

TOWNSHIP OF LONG HILL
PLANNING BOARD

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IN THE MATTER OF:

Application No. 19-13P	TRANSCRIPT
PRISM MILLINGTON, LLC	OF
50 Division Avenue	
Blocks 12301/10100 Lots 1/7.01	PROCEEDINGS
Major Preliminary and Final	
Site Plan	

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Tuesday, June 9, 2020
Zoom Remote Hearing
Commencing at 7:41 p.m.

BOARD MEMBERS PRESENT:

DAVID HANDS, Chairman
THOMAS JONES, Vice Chairman
BRENDAN RAE, Mayor
JOHN FALVEY
VICTOR VERLEZZA
TOM MALINOUSKY
J. ALAN PFEIL
DENNIS SANDOW

A P P E A R A N C E S

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Attorney for the Board

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BY: FRANCIS REGAN, ESQUIRE
Attorneys for the Applicant

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1 A L S O P R E S E N T :

2 DEBRA COONCE, Planning & Zoning Board
 Coordinator

3 ELIZABETH LEHENY, Township Planner

4 MICHAEL LANZAFAMA, Board Engineer

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1 CHAIRMAN HANDS: So with that said,
2 again, I appreciate everybody's time. Some
3 people may be new to the process. Obviously
4 this is not -- we're trying to follow our
5 common court procedures.

6 So with that, I'll hand out to
7 staff, if you can just outline however we plan
8 to handle the application of Prism Millington,
9 LLC, right.

10 COORDINATOR COONCE: Absolutely.
11 Thank you, Chairman.

12 I want to first make note to the
13 public that we, together with our attorney and
14 the township representatives, we have had
15 multiple conversations about moving forward in
16 a virtual setting and we have made sure to do
17 everything that we can, you know, to follow
18 the Municipal Land Use Law, to provide
19 everything to the public. And as most know,
20 that we have everything on the website, which
21 I'll note in a few minutes.

22 Tonight's proceedings, we will
23 not -- first and foremost, we will not be
24 taking questions with regard to the procedures
25 that we are following for virtual hearings.

1 On our website, on either the Planning Board
2 or the Zoning Board pages for the agendas, you
3 can find notes about virtual procedures and
4 how we will be handling them.

5 When the applicant begins testimony
6 this evening, what we -- the procedures that
7 we will follow will be that the applicant will
8 begin with their first professional for
9 testimony. After that testimony is completed,
10 then at such time the Board members and our
11 Board professionals will be asking questions.
12 At such time that our Board professionals and
13 our Board, our Board members, have completed
14 all their questions, then we will open up the
15 questions to the public.

16 That being said, that might be
17 tonight; it might not. The Board will
18 consider the time frame at which questions
19 will begin.

20 Now, if questions -- if the time
21 gets too late during testimony this evening
22 that we will not be able to have questions
23 from the public, rest assured you will be
24 heard and we will make sure that all members
25 of the public will have their adequate time to

1 ask questions.

2 If we -- assuming we carry the
3 meeting, because as everyone knows this is a
4 very large application, there will be multiple
5 hearings. At the next hearing, then, prior to
6 any further testimony, the public will have a
7 chance to ask questions of the testimony which
8 we just heard. So that's basically the
9 process.

10 Attorney Maziarz, would you like to
11 add anything to that?

12 MS. MAZIARZ: Not at this time. I
13 will just say that the state guidelines
14 require us -- or not require us, but prohibit
15 us from meeting in person at this time. And
16 especially when this meeting was being
17 planned, we knew that the executive orders
18 would not permit us to meet in person.

19 So we endeavored, Debra and township
20 officials and I, to come together and to
21 create this virtual platform. And it has been
22 a work in progress, but we are in compliance
23 with the Municipal Land Use Law.

24 The DCA has issued guidelines and
25 part of their guidelines are that we should

1 continue the meetings -- we have to continue
2 the meetings in accordance with the Municipal
3 Land Use Law time frames. And we have not had
4 any relief yet from the legislature for those
5 time frames and I don't anticipate that we
6 will at this point since the governor is now
7 endeavoring to open the state for larger
8 gatherings.

9 So because we found ourselves in
10 this situation, in order to comply with the
11 law, we are doing this virtual hearing. If
12 something should happen and we have to
13 discontinue the hearing, which I do not
14 anticipate with this platform, then Mr. Regan,
15 the attorney for the applicant, and I will
16 have to think of something different to do.
17 But for the time being, we are in compliance
18 with both DCA guidelines and with the
19 Municipal Land Use Law and we will proceed
20 with a virtual hearing.

21 COORDINATOR COONCE: Yes. Thank
22 you, Attorney Maziarz.

23 Additionally, as most of -- I'm
24 hoping all attendees and all panelists and
25 everyone is aware, we have provided all

1 documentation that the applicant has given to
2 us at this time on the website, which, with
3 the Chairman's permission, I will go there
4 now.

5 CHAIRMAN HANDS: Yes, please.

6 COORDINATOR COONCE: Okay. I'll
7 share the screen. Okay. So as everyone can
8 see -- okay. Hold on a minute. Okay.

9 So here, as everyone is aware, this
10 is our website. Under the "Government" tab,
11 for Planning Board, under the "Agendas and
12 Minutes," there is a tab at the top which I
13 noted at the very beginning that is "Virtual
14 Board Hearing Information." This gives you a
15 general guideline of the virtual format that
16 we follow.

17 If you scroll down to June 9th of
18 today with our agenda, where the call
19 information is located, the Prism application
20 with all supporting documents are there.

21 Additionally, I will note that when
22 I upload any documents that are received, I
23 try to note the date that it's uploaded so the
24 public and our Board members are well aware of
25 when these documents were loaded. For

1 instance, this after -- this morning I
2 uploaded three exhibits, three additional
3 exhibits, that will be discussed at some point
4 during the hearing; it may or may not be
5 tonight.

6 Additionally -- actually our web
7 master hasn't uploaded. There is a fire -- a
8 township fire report that was completed a
9 couple months ago that will be going up here
10 as well.

11 So this is where our professionals,
12 this is where our Board members and this is
13 where the applicant will be referring
14 directly to this evening for documents for
15 testimony.

16 So I believe that is everything that
17 we have to share.

18 Again, we're not going to be taking
19 questions from the public with regards to
20 procedures. Public members are more than
21 welcome to e-mail me tomorrow if they have
22 concerns about the procedures and I can direct
23 those to our Board attorney. Other than that,
24 as soon as, you know, each professional
25 testifies and the Board members and our Board

1 professionals have asked their questions, then
2 we will open it up to the public.

3 So, Mr. Chairman, I give the floor
4 back to you.

5 CHAIRMAN HANDS: Thank you. Thank
6 you, Deb.

7 So to begin the application, we can
8 have the representative from Prism come
9 forward and you'll provide the summary and
10 opening statements.

11 Who's going to start?

12 COORDINATOR COONCE: Frank.

13 MR. REGAN: Oh, I'm sorry. Yes.

14 Hi. Good evening. Frank Regan,
15 attorney for the applicant and property owner,
16 Prism Millington, LLC. We're here this
17 evening with regards to a preliminary and
18 final site plan application for the property
19 at 50 Division Avenue.

20 The applicant has provided notice to
21 property owners within 200 feet of the
22 property and advertised in the
23 Echoes-Sentinel, all done ten days prior to
24 this scheduled hearing, including information
25 regarding the hearing being held virtually.

1 I also provided an affidavit of
2 service to the Board's secretary and attorney
3 with regards to the notices.

4 Just a little background with
5 regards to the property. It's located in the
6 mixed-use overlay zone. The property is
7 approximately just under 12 acres in size and
8 it's currently occupied by a number of
9 industrial and commercial buildings and paved
10 parking and loading areas, all of which are
11 proposed to be demolished as part of the
12 project and application.

13 The applicant proposes to develop
14 approximately two-thirds of the property with
15 the balance remaining undeveloped due to the
16 environmental restrictions as a result of its
17 prior industrial use.

18 The applicant proposes the
19 construction of 140 rental residential units
20 in 14 ten-unit buildings with parking garages
21 and surface parking, approximately
22 4,000-square-foot retail building, and a total
23 of 307 parking spaces, along with various site
24 amenities, an 1800-square-foot community
25 building and pool, and other site

1 improvements. The majority of the units will
2 be two-bedrooms, that's 126 of 140, with the
3 balance being three-bedrooms.

4 The buildings will be three stories
5 in height with ground-floor parking garages.
6 The proposed development is designed to meet
7 the requirements of the MU-O zoning for the
8 property.

9 Pursuant to the Township's
10 affordable housing settlement with Fair Share
11 Housing Center back in September 2017, the
12 township agreed to rezone this property to
13 create an affordable housing overlay zone to
14 permit multifamily development of the property
15 with the inclusion of affordable housing,
16 which it did through the adoption of an
17 ordinance in May of 2018 to create the
18 mixed-use overlay zone.

19 As I indicated, the project is going
20 to be residential; therefore, 15 percent of
21 the 140 units, or 21 of the 140 units, will be
22 affordable housing. They will be spread
23 throughout all of the buildings on the site
24 and the units will comply with all applicable
25 state laws and regulations with regards to

1 affordable housing.

2 The applicant met with the technical
3 review committee of the Planning Board,
4 including its professionals, and has responded
5 to the review memos from the Board engineer
6 and Board planner and our professionals will
7 be addressing a number of items in these memos
8 in their testimony.

9 At this time, I expect to have five
10 witnesses that will be testifying. I also
11 have representatives of the applicant and the
12 property owner who will be available to answer
13 questions in the event that myself or our
14 professionals are unable to answer those
15 questions, but I don't anticipate them
16 providing any testimony, again unless it's
17 absolutely necessary.

18 So our first witness is Edward
19 Sullivan, who's the licensed site remediation
20 professional for the property. So I'd like to
21 bring him to the front and have him get sworn
22 and qualify him so that he can proceed with
23 his testimony.

24 MS. MAZIARZ: Thank you.

25 Mr. Sullivan, can you please raise

1 your right hand?

2 E D W A R D S U L L I V A N,
3 having been duly sworn by the Board attorney,
4 was examined and testified as follows:

5 MS. MAZIARZ: Can you please state
6 your full name for the record and spell your
7 last name?

8 THE WITNESS: Edward Sullivan,
9 S-U-L-L-I-V-A-N.

10 MS. MAZIARZ: Thank you.

11 DIRECT-EXAMINATION

12 BY MR. REGAN:

13 Q. Mr. Sullivan, could you provide the
14 Board with your professional/educational
15 background?

16 A. Yes. I am a licensed site
17 professional, remediation professional, in New
18 Jersey. I have 30 years of experience in
19 environmental remediation projects. I have a
20 bachelor of arts degree from Rutgers University
21 in geology, and I have completed graduate
22 studies in hydrogeology and in environmental
23 engineering at Wright State University and at
24 Drexel University.

25 Q. Have you previously provided testimony

1 before Boards or in courts?

2 A. I have in the courts. I have not in
3 front of a board.

4 MR. REGAN: I offer Mr. Sullivan as
5 an environmental expert for purposes of
6 discussing the environmental condition of the
7 property.

8 CHAIRMAN HANDS: Thank you.
9 Appreciate it.

10 BY MR. REGAN:

11 Q. Mr. Sullivan, you're obviously
12 familiar with the property and I know you have a
13 role as the licensed site remediation
14 professional. So if you could, you know,
15 proceed to describe for the Board your role with
16 regards to the environmental condition of the
17 property. And I'll leave it -- I'll turn it
18 over to you to provide your testimony and ask
19 you any questions on anything that I think we
20 might want you to elaborate on.

21 A. Okay. Thank you, Frank.

22 Thank you, everyone. Good evening.
23 As Frank mentioned, I am the licensed site
24 remediation professional for the site. And for
25 those of you who aren't familiar with that title

1 or that role, maybe I'll spend a couple of
2 minutes describing what that is.

3 VICE CHAIRMAN JONES: I'm sorry,
4 Mr. Sullivan. Mr. Sullivan, can you just say
5 what file you've just now presented? Some
6 people may be just calling it up from the
7 website directly.

8 THE WITNESS: What -- what file?

9 MR. MARTELL: For the record --

10 VICE CHAIRMAN JONES: What file.

11 MR. MARTELL: For the record, this
12 is identified as an aerial map prepared by
13 Stonefield Engineering with a date of June
14 11th, 2019.

15 VICE CHAIRMAN JONES: Okay.

16 COORDINATOR COONCE: You might have
17 to reorganize some of the exhibit numbers
18 because I believe on the website, I called
19 this one Exhibit 3 or --

20 VICE CHAIRMAN JONES: Exhibit 4.
21 It's Exhibit 4, aerial map.

22 COORDINATOR COONCE: Yes.

23 THE WITNESS: Okay. Thank you.

24 COORDINATOR COONCE: So, Jolanta,
25 should we renumber or do you want to keep --

1 does it matter?

2 MS. MAZIARZ: It doesn't matter. I
3 think we should keep it the way it is. So
4 let's just refer to it as Exhibit 4.

5 Although I have to ask Mr. Regan,
6 you are going to present all of the exhibits
7 that are currently on the website and are
8 currently marked as A-1, A-2, A-3? Because I
9 don't want to be left with gaps.

10 MR. REGAN: Well, that's our
11 intention.

12 MS. MAZIARZ: Okay. Okay. Very
13 good.

14 You know, if the Board would like,
15 we can leave it this way because it will just
16 be easier for people to follow along because
17 people have probably already reviewed them in
18 this order. So maybe we should keep it and
19 mark it as A-4 officially.

20 VICE CHAIRMAN JONES: Sorry. This
21 one's A-3. My mistake.

22 MS. MAZIARZ: I'm sorry. A-3. Yes.

23 VICE CHAIRMAN JONES: Yes. Thank
24 you.

25 CHAIRMAN HANDS: That will be --

1 that will be fine. I think that will be the
2 easiest way of doing it.

3 MS. MAZIARZ: Okay.

4 THE WITNESS: Okay. Shall I
5 continue?

6 MS. MAZIARZ: So let's mark this
7 officially as A-3.

8 And A-3, Debra, is called the EIS
9 Aerial uploaded June 9th, 2020.

10 COORDINATOR COONCE: Yes.

11 MS. MAZIARZ: Thank you.

12 BY MR. REGAN:

13 Q. Go ahead, Ed.

14 A. Okay. Thanks.

15 Okay. So the role of the LSRP. So
16 the LSRP program was implemented in New Jersey
17 starting in 2009 and it came into effect
18 through the passage of the Site Remediation
19 Reform Act. And the reason that the LSRP
20 position was created was because there was a
21 large backlog of mediation cases under NJDEP
22 oversight. So it was designed to try to speed
23 up the remediation and to cut back on the
24 backlog of cases under the NJDEP.

25 So what the law does is it allowed

1 certain qualified environmental professionals to
2 apply for this license and then to take an exam.
3 Passage of the exam earns you the LSRP license.

4 So LSRPs must follow a strict code of
5 conduct and the highest obligation of an LSRP is
6 protection of human health and the environment.
7 So that code of conduct was put in place to
8 ensure that LSRPs wouldn't be beholden to, you
9 know, private entities that they might be
10 working for as clients; that it was clear that
11 their highest priority was protection of human
12 health and the environment.

13 So as the LSRP, my role for this
14 particular site is oversight of the
15 investigation and the remediation of soil and
16 groundwater contamination issues.

17 At the completion of a site
18 remediation, the LSRP issues a site closure
19 document that is called the Response Action
20 Outcome, or RAO. So it's a letter that the LSRP
21 issues that certifies that, in my professional
22 opinion, that the remediation has been completed
23 in compliance with all of the applicable
24 regulations and guidance issued by the NJDEP and
25 is protective of public health, safety and the

1 environment.

2 So that's essentially my role as the
3 LSRP.

4 The next thing I will talk about is
5 some of the general site conditions. So Frank
6 had mentioned -- and you can see the site plan
7 on the screen. So environmental issues at
8 this site thus far have primarily been
9 documented through the environmental impact
10 statement which was recently revised in April
11 of 2020. That was completed by Stonefield
12 Engineering. And, also, by the completion of
13 a preliminary assessment and site
14 investigation that was completed by EWMA in
15 2019. So that is the basis for all of our
16 knowledge about the environmental conditions
17 at this point.

18 The site is basically divided into
19 two areas. The first area is a 4.5-acre area
20 that's referred to as the "restricted area."
21 This is an area where there was a former
22 asbestos landfill that was remediated under
23 the NPL program, which is also known as the
24 Superfund program.

25 The site was capped with clean soil

1 and vegetation, it was fenced, and it has been
2 delisted from the Superfund list. So the
3 remediation of that site is essentially
4 complete. And it's my understanding that the
5 developer is responsible for implementing an
6 operations and maintenance plan under the
7 oversight of the EPA and the NJDEP to ensure
8 that the engineering controls, the cap and the
9 fencing remains protective.

10 Because that issue has essentially
11 been remediated, I'm not going to speak
12 anymore to that issue tonight. I'm going to
13 concentrate more on the remainder of the
14 property, which would be more under my purview
15 as the LSRP.

16 So the remainder of the site is made
17 up of approximately 7.5 acres. And this is
18 the area that's going to be developed. I'll
19 refer to it as the "apartment area" to
20 distinguish it from the restricted area.

21 So the restricted -- I mean the
22 apartment area historically had some -- a
23 number of different entities that operated
24 there. Most predominantly there was an
25 asbestos products manufacturing facility

1 there. There also has been a number of light
2 industrial uses of the property, including the
3 current uses of this area. Obviously the
4 asbestos manufacturing operations are what
5 resulted in the asbestos landfill that has
6 been proposed.

7 So, in general, the site is
8 underlain -- when I say "the site," I'm now
9 referring to the apartment area -- is
10 underlain by fill material to a depth of
11 about 5 feet, roughly, across the area.
12 Probably placed there at the time it was
13 originally developed to, you know, raise it
14 above what may have been the flood area at
15 that point.

16 Typically this type of fill is
17 referred to in New Jersey as "historic fill,"
18 which means that it's just fill that was
19 placed to raise the grade of attractive land
20 in order that it be usable.

21 Along with this historic fill
22 material is native soils and they consist
23 mostly of finer-grained soils, clays and
24 silts that extend down to the bedrock surface.
25 And the bedrock surface it appears may vary

1 somewhat below the site, but, in general, it
2 looks like the depth of the bedrock is about
3 somewhere between 20 to 35 feet, depending on
4 where you are at this site.

5 The bedrock formation at the site is
6 a formation called the Towaco Formation and
7 that is a shale rock formation. And there
8 are -- there is groundwater flow from aquifers
9 within this bedrock formation.

10 As far as groundwater is concerned,
11 generally there hasn't been a lot of
12 groundwater observed above the bedrock, either
13 in these native sediments or in the fill
14 material. There has been some localized
15 what's called "perched water" observed, I
16 think most commonly at the north end of the
17 site.

18 And for those of you not familiar
19 with what perched water is, it's essentially
20 thin layers of water that form on top of
21 certain layers of soil. Typically it's not
22 permanent, it's transient, and it's not
23 continuous throughout the entire site.

24 The true water table at this site I
25 believe is in the bedrock, probably at least

1 20 feet deep. But some of these perched
2 layers of water are seen in the 8- to 9-foot
3 depth range. But, again, they aren't
4 continuous throughout the site.

5 So I think that's about the -- all
6 the sort of general conditions at the site
7 that I wanted to talk about. And I guess next
8 I'll get into the actual environmental
9 investigations that have been completed so far
10 at the site.

11 So as I mentioned before, EWMA
12 completed a preliminary assessment and a site
13 investigation at the site. And basically your
14 preliminary assessment identifies what are
15 called "areas of concern." So different areas
16 require operations at the site that could
17 potentially be a source of environmental
18 contamination. And then the site
19 investigation is designed to investigate those
20 areas of concern to determine whether or not
21 there is, in fact, any contamination of the
22 soil or the groundwater.

23 So what we see at the site thus far,
24 and there's a lot of -- you know, I'll try not
25 to go into a lot of detail on a lot of the

1 terminology used in New Jersey. I will touch
2 on a couple of things briefly, though. There
3 are a few types of soil remediation standards
4 that are promulgated by the State of New
5 Jersey, by the NJDEP.

6 One type of soil standard is
7 designed to be protective of groundwater. So
8 it wouldn't allow certain levels of
9 contamination above a certain standard that
10 may potentially have adverse effects on the
11 groundwater beneath the site.

12 The other type of soil standard is
13 what's called the "direct contact standard."
14 And those types of standards, as you might
15 pick up from the name, is that they're
16 designed to protect people from direct
17 contact with soils that might be
18 contaminated.

19 And there's a couple of different
20 ways that people can be impacted by soil: One
21 is through dermal contact -- you know,
22 touching it with your hands or on your skin --
23 and the other way is through inhalation, which
24 would be for -- you know, something may
25 volatilize or vaporize out of the soil and

1 could potentially be inhaled.

2 So that's the background behind the
3 soil remediation standards in New Jersey.

4 So what we're seeing at the site
5 thus far are relatively low levels of
6 contamination. There are some metals that
7 have been detected in soil. Some of them may
8 be natural background metals and may not be
9 associated with any operations at the site.
10 That's something that's going to have to be
11 further investigated.

12 And there are also new compounds in
13 a class of compounds that are called
14 "polycyclic aromatic hydrocarbons." That's
15 basically a type of compound that's found in
16 petroleum products, asphalt, things of that
17 nature. They're very common throughout New
18 Jersey. You probably can't take a soil sample
19 anywhere in New Jersey without finding one of
20 those -- one of those compounds.

21 But the levels are relatively low.
22 There actually were not any samples other than
23 one, I believe, one sample, that actually
24 exceeded the direct contact standards. So
25 what we've seen so far doesn't indicate that

1 there would be any risk of contact to these
2 soils associated with any construction
3 operations at the site, workers or -- not
4 residents because -- well, residents who will
5 eventually be living here. So there shouldn't
6 be any risk associated with direct contact
7 associated with these soils.

8 The impact to groundwater it
9 appears may need to be further evaluated.
10 There were some metals that exceeded those
11 standards, but there are varying ways that
12 those pathways can be further evaluated
13 during the next stage of the investigation
14 that will be done.

15 The other issue identified in soils
16 at the site was there were some limited --
17 evidence of some limited amounts of asbestos
18 in some of the soils outside the landfill
19 area, I believe north and a little bit west of
20 the existing buildings.

21 So that's an issue that will need to
22 be addressed during construction. There will
23 have to be some precautions taken during
24 construction. Things like dust control, where
25 you wet down the soils to control dust;

1 probably a worker and even a perimeter air
2 monitoring program.

3 And these will be done as part of
4 the process through -- there could be a
5 community air monitoring plan that could be
6 written and implemented and, also, a site
7 health and safety plan.

8 So either/or both of these documents
9 would address the precautions to be taken
10 during construction associated with any of
11 this asbestos-containing material.

12 CHAIRMAN HANDS: Yeah, do you
13 mind just -- thank you so far. Can I just
14 stop you for second if you don't mind? I just
15 want to make sure we can follow along clearly
16 because so far you've presented that one
17 exhibit. I know you referred to the EMWA
18 (sic) report, which is added to the updated
19 EIS statement that was probably from the
20 website.

21 I want to make sure that we can
22 follow a little bit along as well where you're
23 taking this information from, where you're
24 referring it to, just so we have some clarity
25 around where the information is. You

1 mentioned soils, groundwater, et cetera, et
2 cetera.

3 Is that fair to ask you to just
4 point -- just to be more clearly as to where
5 that information resides?

6 THE WITNESS: Yes. It would all --
7 all soil and groundwater issues that I'm
8 talking about would be in the EWMA site
9 investigation report.

10 So there's both a written narrative
11 and, I believe, some maps on there that will
12 show different sample locations and what
13 contaminants were defective, what the
14 concentrations were, whether they exceeded any
15 NJDEP soil standards.

16 So, yeah, all of that would be
17 presented both in the text and on figures
18 and tables in that site investigation
19 report.

20 CHAIRMAN HANDS: And that's the
21 updates Jolanta's uploaded on 6/3 or whatever
22 it was?

23 THE WITNESS: I don't know which --
24 when it was uploaded. I know there's also the
25 environmental impact statement that was

1 uploaded recently. All of this detailed
2 information about the sampling I don't believe
3 is presented in the EIS. I think there's just
4 a general summary in there. So if anyone is
5 looking for details, it would have to be in
6 that EWMA site investigation report.

7 CHAIRMAN HANDS: Which has been
8 attached to the updated version. So just so
9 we're clear, and to me make sure I'm clear
10 here, we're looking at page number -- just
11 give me a second. There's one that's in the
12 most recent...

13 MR. REGAN: There's a preliminary
14 assessment site investigation report that's an
15 exhibit to the environmental impact statement.
16 It's the last document attached to the
17 environmental impact statement. It's dated
18 March 2019.

19 CHAIRMAN HANDS: Right. I'm looking
20 at -- it starts on page 88 or so of the most
21 recently uploaded document, is that correct?
22 And it's Appendix E, March 2019 Preliminary
23 Assessment Site Investigation by EWMA, is that
24 correct?

25 MR. REGAN: That is correct. Yes.

1 CHAIRMAN HANDS: Okay. Good. I
2 just want to make sure everybody who wants to
3 follow along a little bit can refer to that
4 same document.

5 THE WITNESS: Yes. And I would --
6 if anyone is interested in some of these soil
7 sampling results that I'm talking about, you
8 all have the same version I do. There's a
9 Figure 4 in that document that shows where
10 various samples were collected at the site and
11 what metals and soils were detected and what
12 the concentrations were.

13 CHAIRMAN HANDS: Okay. If you'd
14 just refer to -- if you have specific points
15 you want to refer to, just refer to where
16 they are in that document. That would be
17 helpful.

18 THE WITNESS: Okay.

19 CHAIRMAN HANDS: Thank you.
20 Please -- please continue.

21 THE WITNESS: Okay. And as you --
22 as you can see, if you look at that document,
23 there's a lot of samples, a lot of results. I
24 was just -- I'm trying to give a general
25 overview if that's acceptable. I didn't want

1 to get bogged down in, you know, this was
2 detected at this concentration.

3 CHAIRMAN HANDS: No, no, no. I just
4 want to make sure we can refer back to where
5 you're referring to.

6 THE WITNESS: Okay. Yes. So this
7 Figure 4 would be a good place for those who
8 are interested.

9 VICE CHAIRMAN JONES: What page is
10 Figure 4 on?

11 THE WITNESS: I don't have the exact
12 upload in front of me. I just have, on my
13 computer, the report.

14 CHAIRMAN HANDS: But if you have the
15 page number of the actual report, that may be
16 helpful.

17 VICE CHAIRMAN JONES: I'm trying to
18 find that page now.

19 CHAIRMAN HANDS: That's fine. This
20 is just a test to make sure we're on the
21 same -- talking about the same thing. If you
22 can just give me the page number of the EWMA
23 report that you're referring to.

24 THE WITNESS: Yeah. In the version
25 that I have, it lists figure numbers, but it

1 doesn't have page numbers. There's no page
2 numbers.

3 VICE CHAIRMAN JONES: It makes it
4 very difficult to follow along.

5 THE WITNESS: Yeah, I apologize. I
6 should have -- I should have been on the
7 website.

8 VICE CHAIRMAN JONES: Can you go to
9 the website and look at that page to help us
10 follow along?

11 THE WITNESS: I could unless it's
12 something Frank can readily pull up.

13 VICE CHAIRMAN JONES: It looks like
14 it's around page 134. I see a lot of
15 references to Figure 4.

16 MR. REGAN: Yeah. The copy of the
17 EIS that I have only has a 60-page document
18 attached to it. It doesn't have, I think, the
19 exhibits. I will try to take a look at the
20 website.

21 VICE CHAIRMAN JONES: Yeah.
22 Because the document I'm looking at is 149
23 pages.

24 Mr. Chairman, is that the same
25 document you're looking at, 149 pages?

1 CHAIRMAN HANDS: Exactly. And is
2 that page 86 or so? It starts the EWMA
3 report, would be the bulk of the rest of the
4 60-some pages after that.

5 THE WITNESS: And it would probably
6 be at the end of that. That's typically where
7 the figures are placed, after the text of the
8 report.

9 CHAIRMAN HANDS: It's not structured
10 like that. However, please continue. Just
11 bear in mind we're looking at that report.
12 The report that we have access to is the one
13 on the website. You're referring back to one
14 and the same document if you're referring to a
15 particular report.

16 THE WITNESS: Okay. Shall I
17 continue?

18 CHAIRMAN HANDS: Please do. Yes.

19 THE WITNESS: Okay. Thank you.

20 A. Okay. So I talked about some of the
21 soil results and the asbestos material.

22 I think the other thing of note at the
23 site to me was there's an area north of Building
24 1 on the property where, as part of the prior
25 iterations, they had two features below the

1 ground surface that they referred to as oil
2 pits. And it looked like they may have disposed
3 of lubricating oils, hydraulic oils possibly at
4 one point. So there is some contamination of
5 soil in that area.

6 And then there's a limited amount of
7 what's called "free product" in that area, which
8 free product essentially is the oils, if they
9 are placed into pits like they were here,
10 they'll essentially sit on top of water that's
11 present below the ground surface because oil is
12 lighter than water. It basically floats on top
13 of the water.

14 In this area, this is an area north of
15 Building 1 where there was some perched water.
16 So at that depth of around 8 or 9 feet, there's,
17 you know, a small amount of oil that's present
18 on top of the water table.

19 And these conditions are all
20 conditions that are very common in New Jersey.
21 I deal with them all the time on other sites
22 that I work at. So they aren't very complicated
23 issues.

24 There's a number of different
25 approaches to remediate these types of

1 conditions. Most typically it would involve
2 excavation of the affected material and
3 disposal of it off site. Usually that's the
4 most direct way to deal with it, although
5 there are other ways that you can deal with
6 it.

7 So those are essentially the
8 soil sort of conditions that exist at the
9 site.

10 As far as the groundwater is
11 concerned -- so there's basically two media
12 that you're concerned with environmental
13 issues: One is the soil; one is the
14 groundwater. So as far as the groundwater is
15 concerned, there is some contamination of the
16 groundwater as well, both the perched layer --
17 for example, the oil product that I just
18 mentioned in one area -- and then there is
19 some contamination of the groundwater in the
20 bedrock aquifer. And that's a class of
21 contaminants that are called volatile organic
22 compounds.

23 And, again, that's another issue
24 that's very common in New Jersey, groundwater
25 contamination, at very relatively low levels.

1 You see it all across northern New Jersey. So
2 it is another issue that, you know, we have a
3 lot of experience in dealing with and it
4 shouldn't be overly complicated.

5 But as far as the groundwater is
6 concerned, another issue that may arise is that
7 because these compounds are volatile, they
8 volatilize off of the groundwater and there's a
9 potential for these vapors to migrate upward
10 into -- into site buildings. So there may be a
11 need for, during construction, to install vapor
12 barriers or other -- you know, other vapor
13 mitigation systems, but we don't know that for
14 sure, but that's a possibility.

15 So the only other
16 environmental-related issue that was mentioned,
17 I think, are that inside the existing building.
18 Samples were collected of the concrete from the
19 existing floors and walls within the buildings.
20 Those samples showed some contamination also.
21 Some metals I think were primarily what was
22 detected.

23 And so that's an issue that, during
24 demolition of the buildings, that material
25 will need to be properly handled and disposed

1 of off site. It's unlikely that that material
2 would be able to be reused on site. But,
3 again, that's an issue that we would look more
4 closely at during the next stage of
5 investigation.

6 So I keep referring to the next
7 stage of investigation. So what the next stage
8 is going to be is what's called a remedial
9 investigation. So during the site
10 investigation, we found some contamination. And
11 what happens during the remedial investigation
12 is that you further characterize that
13 contamination. You essentially define where --
14 the limits of it. How far does it extend? How
15 deep does it extend? So that's the purpose of
16 the remedial investigation.

17 EWMA is scheduled, I believe, to
18 complete the remedial investigation later
19 this year. I think in the fall into the
20 winter of this year. So that will be the next
21 stage.

22 And I guess I would conclude by saying
23 what I said before, that overall the issues that
24 have been identified here at this point appear
25 to be relatively minor and are common issues

1 found at many sites throughout New Jersey. So I
2 think that remediation should be relatively
3 straightforward.

4 And with the asbestos material in
5 the soil, that can be readily handled also.
6 It's just going to take some precautions and
7 some monitoring to take place during
8 construction to make sure that, you know, we
9 protect public health and worker health and
10 safety.

11 And I think that's -- I think that's
12 all I had.

13 MR. REGAN: Mr. Chairman, questions?

14 CHAIRMAN HANDS: Yeah. Do you mind?
15 I'm sorry, I was going to ask a couple of --
16 yeah, go ahead, please.

17 MR. REGAN: No, go ahead, David.
18 That's fine.

19 CHAIRMAN HANDS: You sure?

20 MR. REGAN: Sure.

21 CHAIRMAN HANDS: A couple of things
22 that just struck me. You talked about the
23 plans for community air, I think you called
24 it. Can you talk through some of the plans
25 during remediation and demolition and which

1 ones may be instigated for this property?

2 THE WITNESS: I think those, the
3 plans that I mentioned, the community air
4 monitoring plan and the health and safety
5 plan, would be -- would be written prior to
6 the demolition. It would be implemented
7 during implementation of demolition. Site
8 grading, I think site remediation, if we're
9 doing any excavation or any other remediation
10 efforts. So it would go across the board,
11 across all of those efforts.

12 CHAIRMAN HANDS: And are those
13 standard practices?

14 THE WITNESS: They are, yes.

15 CHAIRMAN HANDS: And just on the
16 EWMA report, there are some other areas of
17 interest or areas of concern at the end of the
18 report.

19 Did you address all of those or is
20 that -- they're not a concern anymore?

21 THE WITNESS: Okay. Let me look at
22 the end of the report.

23 CHAIRMAN HANDS: At the
24 "Conclusions." It's actually nine pages.

25 THE WITNESS: Yeah. I mean, it

1 looks like there are some other areas where
2 samples were collected and where similar
3 contamination was detected. It looks to be at
4 minor level, sometimes below remediation
5 standards.

6 The areas that I touched on I think
7 are going to be the major concerns. These oil
8 pits. And the area where a lot of the soil
9 contamination was detected was west of
10 Building 2. So I think those are -- those are
11 the areas, I think, that will be the primary
12 concerns.

13 But any other areas, if there's even
14 one sample that exceeds a soil standard
15 somewhere else, additional sampling will be
16 completed there because that's part of the
17 remedial investigation process, is to
18 delineate any contamination that you find that
19 exceeds a soil standard.

20 MR. REGAN: This is Frank.

21 BY MR. REGAN:

22 Q. I mean, all of the areas of concern,
23 there were multiple areas of concern identified
24 in the PA/SI. As you just indicated, I think
25 all of those will be investigated. But just

1 because they're identified in the PA/SI doesn't
2 necessarily mean that there's contamination in
3 that area of concern, is that correct?

4 A. Correct. It's an iterative process.
5 So the preliminary assessment identifies area of
6 concern. Then you sort of weed out certain
7 areas that don't appear -- the areas of concern
8 are sort of generic areas that have been
9 identified through DEP. DEP provided prior
10 NJDEP forms and guidance.

11 So you sort of winnow that list
12 down. The areas that would actually require
13 sampling, that's your site investigation.
14 Then, once you do your site investigation, you
15 further winnow the list down based on where
16 you actually found any contamination. And
17 then the final step is the remedial action
18 where, after you complete your remedial
19 investigation, if you determine that
20 remediation is necessary, then you implement
21 that remedial action.

22 Q. Okay. And I know a number of the
23 areas of concern referred to, you know,
24 underground storage tanks and so on. I mean,
25 all of those would be removed as part of the

1 remediation as well as the demolition and
2 clearance of the property in anticipation of
3 development?

4 A. Yes. Yes, absolutely.

5 CHAIRMAN HANDS: Thank you.

6 And the plans that you mentioned,
7 including the remedial investigation at the
8 end of this year, are those plans going to be
9 available to the township, to the public or
10 DEP perhaps, or is that something that's
11 within the purview of the developer?

12 THE WITNESS: Well, the remedial
13 investigation is done following the NJDEP
14 process. It varies from site to site as to
15 whether you actually develop a work plan. A
16 lot of times to streamline the process -- and
17 the DEP allows this -- you just simply
18 continue on with your investigation without
19 completing a formal -- what's called a
20 remedial investigation work plan.

21 But I'm sure that's something that
22 we can work through and share some information
23 about what's being planned for the remedial
24 investigation sampling.

25 CHAIRMAN HANDS: The reason for

1 asking these questions about the plans is
2 obviously there's a lot more work to be done
3 through the process, right? So as a more --
4 you can educate at least myself, if not
5 anybody else, on those steps. This will
6 provide, if not a level of comfort, a level of
7 understanding as to how the process will
8 unfold, potentially unfold, over the coming
9 weeks and months. And who's going to monitor
10 that, where's the safety nets, if you will,
11 just to ensure that there's some certainty
12 over the process.

13 THE WITNESS: Okay.

14 CHAIRMAN HANDS: So if you don't
15 mind me just pushing you down those avenues of
16 conversation.

17 THE WITNESS: Sure. And that there
18 will be some document developed that will
19 outline what sampling will occur during this
20 remedial investigation. And, of course, the
21 plans that I mentioned before will be
22 available as well, the health safety plan or
23 air monitoring plan.

24 CHAIRMAN HANDS: Thank you.

25 BY MR. REGAN:

1 Q. And, Ed, can I ask you, in terms of
2 the remediation -- because I think that's where
3 the Chairman is going -- how do you anticipate
4 the remediation occurring? Will it occur prior
5 to demolition? after demolition?

6 You know, because obviously the site
7 is going to be cleared in order for it to be
8 developed assuming, you know, the
9 application's approved. But in terms of the
10 process, or is it too early to be able to
11 determine that?

12 A. It's probably too early, but I think
13 the best approach is to implement remedial
14 action in coordination with site development
15 plans, including the demolition.

16 I'll just give an example and I don't
17 know if this applies to this site in particular.
18 But let's say there's some soil contamination in
19 an area that extends underneath an existing
20 building. Well, in that kind of case, if you
21 want to wait until the building is demolished,
22 the floor is no longer there to excavate out
23 that contamination.

24 That's just one example of how you
25 try to coordinate remedial actions with the

1 site development.

2 Q. And that's -- that's -- as you have
3 indicated, I mean, that's typical in New Jersey.
4 You've indicated -- I think you've indicated as
5 part of your testimony that, at least based on
6 the investigation that's been done to date,
7 nothing has been identified that's not -- that
8 wasn't maybe, you know, unexpected. And, thus,
9 in terms of how you're going to deal with it,
10 you know, you would deal with it, as you
11 indicated, as you develop -- as the site's being
12 developed, it would be coordinated, the
13 remediation would be coordinated with the
14 demolition, the clearance and the development of
15 the site.

16 A. Yes, exactly. And, yes, the
17 contaminants that were found during the site
18 investigation are very common in New Jersey,
19 especially at these historic fill sites. A good
20 part of northern New Jersey was filled at the
21 turn of the last century. So these contaminants
22 are pretty common. We deal with them on a
23 pretty frequent basis.

24 So I think the approach will be pretty
25 straightforward. And we can certainly do our

1 best to explain that so that you're all
2 comfortable with it.

3 Q. And I know you indicated this at the
4 outset of your presentation and that you were
5 not involved in the closure and remediation of
6 the asbestos landfill, but that portion of the
7 site will not be touched at all by the developer
8 as part of any remediation and development of
9 the site? Is that your anticipation?

10 A. Yeah, that's what I anticipate. The
11 site was -- and the case was closed. It's no
12 longer a Superfund site, although there is an
13 existing operations and maintenance plan that
14 has to be -- that has to be continued to be
15 implemented.

16 So that would be the obligation of
17 the property owner. But it shouldn't -- that
18 shouldn't impact anything that we're doing in
19 the apartment area.

20 Q. Yeah. So essentially that area will
21 not be disturbed as part of any site development
22 or remediation?

23 A. No. There should be no reason to
24 disturb that area.

25 Q. Okay. Okay. Thank you.

1 CHAIRMAN HANDS: Could I ask another
2 question on that point a little bit? I hate
3 to be -- hopefully it's not too -- too
4 detailed. But I think with the opinion that
5 if there's any disturbance or compromise of
6 the cap of the Superfund site, does that
7 transfer liability onto Prism as opposed to
8 the site? Can you just please explain that
9 piece of it a little bit?

10 THE WITNESS: That's --

11 CHAIRMAN HANDS: Because the
12 Superfund site is an important aspect. I'm
13 sure folks would like to have some clarity
14 and understanding as to what any impact could
15 be obviously if that's even an accidental
16 impact.

17 THE WITNESS: Yeah. And I'm --
18 I'm -- I'm not sure that I should -- that's
19 not an area of my expertise. So I wouldn't
20 know how to answer the question as affecting,
21 you know, liability for breaching the cap
22 and --

23 CHAIRMAN HANDS: Okay. Okay. I'll
24 hold that for another conversation later.

25 THE WITNESS: Okay.

1 MR. REGAN: I think the -- I think
2 the applicant and property owner could
3 probably address that, Mr. Chairman. And if
4 you want to wait, if there's other related
5 issues, then maybe we can have him address all
6 of them, but it's your call.

7 CHAIRMAN HANDS: That sounds good.

8 MR. REGAN: We'll get an answer to
9 your question, for sure.

10 CHAIRMAN HANDS: That's fine. Thank
11 you. I appreciate it.

12 I'm sorry, I've been interrupting
13 you quite enough. Please continue.

14 MR. REGAN: I didn't have anything
15 else for Mr. Sullivan. I think I followed up
16 based on some of your questions, Mr. Chairman.
17 So I have nothing further for Mr. Sullivan at
18 this time.

19 CHAIRMAN HANDS: Thank you.

20 In that case, can we turn it over to
21 the Board professionals? Unless there's any
22 comment from the Board members.

23 BOARD MEMBER PFEIL: I have a
24 question.

25 CHAIRMAN HANDS: Go ahead, Alan.

1 BOARD MEMBER PFEIL: Mr. Sullivan,
2 on one of the plans, there's a notation of a
3 soil storage area which looks to be on the
4 north end of the property. You said there's
5 asbestos in the northwest section of the area
6 that you intend to develop.

7 How would you make sure that any
8 asbestos-containing soil in that soil storage
9 area is protected so it does not either
10 leach into the groundwater or become
11 airborne?

12 THE WITNESS: Okay. So this
13 would go back to some of these plans that we
14 would develop and that would include proper
15 handling, soil handling procedures at a site
16 like this.

17 The one thing I can tell you is that
18 asbestos won't have an effect on groundwater.
19 It's essentially a solid, insoluble particle.
20 So I don't think there's any fear for
21 impacting groundwater. I think the concern
22 with asbestos is, you know, coming into
23 contact and becoming airborne.

24 So there would be practices put in
25 place. I'm sure there will be other site

1 documents prepared that will address all these
2 issues, things such as covering piles with
3 polyethylene plastic or some other material;
4 you know, soil sediment control measures to
5 prevent anything from running off of a pile.
6 You know, when soil is being moved, dust
7 control measures, wetting things down. Things
8 of that nature.

9 So, yeah, there will be very
10 detailed processes that will be documented.

11 BOARD MEMBER PFEIL: Who would --
12 who would document that and when?

13 THE WITNESS: I think it would all
14 be done prior to any demolition or
15 remediation, whichever begins first at the
16 site. And they would be done by -- I suppose
17 it could be either by the consultant, EWMA, or
18 by Stonefield, the engineers. I'm not quite
19 sure who would take the lead on that, either
20 or both of them.

21 BOARD MEMBER PFEIL: Who -- if this
22 application is approved within the next two or
23 three months, the Planning Board is basically
24 done with this.

25 Who from the township would be

1 interfacing with you to review these reports
2 and review this -- these processes? Because
3 if -- it doesn't fall within the Planning
4 Board anymore after we approve an application.

5 So who would -- who would -- who
6 would be responsible to coordinate with the
7 town and who in the town would be responsible
8 to make sure it happens?

9 THE WITNESS: And that's -- that's a
10 question --

11 BOARD MEMBER PFEIL: That's a
12 question for anybody.

13 THE WITNESS: Yeah, I'm not sure how
14 to answer that. So if someone else wants to
15 answer that --

16 COORDINATOR COONCE: That would
17 be -- I would suggest that that would be the
18 township engineer and the construction
19 official.

20 BY MR. REGAN:

21 Q. Before I get to that, Ed, I mean, your
22 responsibility is as the licensed site
23 remediation professional. I mean, do you have
24 involvement in that process?

25 A. I do have some involvement in that

1 process and I have at other sites because some
2 of them are -- you know, some of these measures
3 are documented in work plans or reports that go
4 to the New Jersey DEP. So, yes, I would have
5 some involvement in them.

6 Q. And the responsibility for all of this
7 really falls to the property owner and the
8 developer of the property to address these
9 remediation efforts, is that correct?

10 A. Correct. They're the responsible
11 entity, yes.

12 Q. And they would be done -- it all
13 would need to be done pursuant to DEP
14 regulations?

15 A. Correct. And as I mentioned early on
16 in my presentation, I have to certify that
17 everything was done in accordance to the
18 regulations and guidance that apply to the
19 site.

20 Q. And that certification is then
21 submitted with documentation to the DEP?

22 A. Yes. I have to certify everything
23 that gets submitted to the New Jersey DEP.

24 Q. With regards to the remediation of the
25 property?

1 A. Yes, everything. Investigation
2 results, remediation efforts. And at the end,
3 you know, I have to certify each of the
4 individual submittals to the DEP. The final
5 certification I have to provide is in this RAO
6 letter where I certify that everything has been
7 completed in accordance with all the
8 regulations and that what was completed was
9 protective of public health and the
10 environment.

11 Q. And would that include the soil that
12 Mr. -- that Mr. Pfeil pointed out?

13 A. Yes. Yeah, it would.

14 Q. Okay. And just based on your
15 experience, does the municipality typically have
16 a role in this process?

17 A. I guess it depends on the
18 municipality. You know, certainly we'll be
19 collecting things like air monitoring data and
20 if that's of interest to the municipality, you
21 know, that could be provided. A lot of that
22 would be documented in our reports that go to
23 the New Jersey DEP.

24 So, yeah, I think the answer is yes.
25 It depends on --

1 Q. The information -- I'm sorry, I didn't
2 mean to cut you off. The information can be
3 provided to the municipality and the public, but
4 they don't have any role in terms of (Zoom drop)
5 permitting for the remediation?

6 A. No, not for the remediation of the
7 soil and the groundwater. Any permits that
8 would be issued would be from the New Jersey
9 DEP.

10 MR. REGAN: Okay. Thank you.

11 BOARD MEMBER PFEIL: A follow-up
12 question to that for our Board attorney.

13 Would a condition of approval
14 include a requirement that all these reports
15 and policies be submitted to the township? Is
16 that appropriate?

17 MS. MAZIARZ: I would imagine it's
18 appropriate. I don't believe that the
19 applicant would find issue with that or would
20 object.

21 Mr. Regan?

22 MR. REGAN: I don't believe that
23 they would.

24 MS. MAZIARZ: Okay.

25 BOARD MEMBER PFEIL: Thank you.

1 MS. MAZIARZ: And there is always a
2 requirement in every board resolution that the
3 applicant needs to comply with any outside
4 agency having third-party jurisdiction over
5 any application and any development within the
6 township. So that certainly will be a
7 condition as well.

8 BOARD MEMBER PFEIL: Thank you for
9 the answer. Appreciate it.

10 COORDINATOR COONCE: If I may,
11 further, I would just say that as far as the
12 township engineer role and the construction
13 official role, what generally happens in my
14 experience is that, like Mr. Sullivan was
15 saying, once the DEP approvals are in writing,
16 it goes to the township professionals and
17 then, you know, to further -- to file for the
18 construction permits.

19 But, again, it would be the DEP that
20 would provide the referrals to -- I mean the
21 approvals to the township.

22 CHAIRMAN HANDS: Could I -- Can I --
23 I mean, thank you for the responding to these
24 points.

25 Is it fair to ask, then, that we can

1 get some sort of -- all the plans, process,
2 responsibilities discussed in the last ten
3 minutes? Is it appropriate to ask maybe Ed or
4 somebody to just put together a short document
5 just so we have an idea as to those steps,
6 those plans, the consequences of some of those
7 plans? Is that a fair request?

8 Everybody can follow along. And
9 when it comes to a res -- you know, if there's
10 a resolution, so we're clear in our own
11 understanding as to what to expect in the
12 coming weeks and months thereafter. Is that a
13 fair request?

14 MR. REGAN: Ed, I don't -- I mean,
15 I'm not sure that it's that simple, but I
16 would ask Ed if that's something that he
17 thinks he could put together that, you know,
18 that we can share. I don't think we're
19 opposed to doing it, Mr. Chairman. I just
20 don't know how detailed something like that
21 might need to be or not.

22 THE WITNESS: I was just going to
23 say that, yeah, it would have to be a fairly
24 generic document, but I think we could put
25 something together, because, you know, as you

1 encounter different conditions at the site
2 during the remedial investigation, you know,
3 you have to have contingency plans to address
4 certain things and sometimes, you know, you
5 make decisions as you encounter things. But
6 in a general sense, yes, I think we could put
7 something together.

8 MR. REGAN: Okay. We'll try to do
9 that, Mr. Chairman.

10 VICE CHAIRMAN JONES: Could it be
11 something along what we call a RACI, which is
12 like a Responsible, Accountable, Consult,
13 Inform type kind of matrix?

14 THE WITNESS: Sure. I mean, I'm not
15 familiar with that format, but I don't see why
16 not.

17 VICE CHAIRMAN JONES: Okay. Okay.
18 Because that would help understand where
19 ownership may lie or who should be spoken
20 to or who should be informed or who needs to
21 be contacted for something that's being
22 effected.

23 And, Mr. Chair, if I may ask a
24 couple of questions.

25 I noticed at the conclusion of your

1 comments, you said that EWMA is going to
2 submit a final report sometime in Q4 of
3 2020.

4 How does that report affect the
5 documentations that's been recorded in these
6 preliminary reports? What's to be expected
7 from that?

8 THE WITNESS: Well, I think what
9 EWMA is going to do later this year is going
10 to be the additional investigation. So
11 that's called the remedial investigation and
12 that's essentially the next step in
13 investigating what was found during the site
14 investigation.

15 So I probably mentioned earlier that
16 essentially if you find soil contaminant, then
17 this remedial investigation is designed to
18 collect extra samples just to be able to say,
19 you know, the outline of where that area is,
20 that you have it defined as to the dimensions.
21 How deep is the contamination? How wide is
22 it? So that you can design your remedial
23 action.

24 So what they'll be doing later this
25 year will be the actual sampling. I think any

1 document that comes out of that would probably
2 follow early next year. After the results
3 come back from the laboratory, they spend some
4 time mapping them, evaluating them, then they
5 prepare a report that's called a remedial
6 investigation report.

7 VICE CHAIRMAN JONES: Okay. So
8 that's the outcome of the work, investigative
9 work, that's done in Q4. You'll actually get
10 the physical report in, let's say, Q2 of 2021?
11 End of Q1 or beginning of Q2 of 2021?

12 THE WITNESS: Exactly.

13 VICE CHAIRMAN JONES: Okay. And
14 then property owner is obligated to remediate
15 those areas that have been defined in that
16 report regardless if the application was to be
17 approved by the Board, say, in the next three
18 months or so. So anything found after us
19 granting approval, they would still be
20 obligated to anything that's found in those
21 reports after that approval.

22 THE WITNESS: Yes, exactly. Any
23 contamination, regardless of when it's found
24 during the process, is, yeah, their obligation
25 to remediate.

1 VICE CHAIRMAN JONES: Okay. So
2 there's going to be deconstruction at the site
3 and there's going to be measures put in place
4 at the site to control dust, debris, et
5 cetera.

6 Does that extend beyond the property
7 when debris is being removed from the site?
8 Because there will be trucks going through
9 residential areas as they leave the site
10 removing that debris.

11 THE WITNESS: Right. I mean, the
12 controls wouldn't follow the trucks, but there
13 will be measures implemented to make sure that
14 when trucks leave the facility, that they
15 don't present any risk to anyone on their way
16 to wherever they're going.

17 You know, things like stone, what
18 they call mud rub, so that the tires don't
19 track mud out of the site. If there's any
20 contents in the truck that could be a risk
21 for dust, you know, make sure that the trucks
22 are covered, the backs of the trucks are
23 covered where the soil or the concrete may be
24 placed.

25 So those types of measures would be

1 implemented on site to make sure that the
2 trucks that go off site don't present a risk
3 to anyone.

4 VICE CHAIRMAN JONES: And what
5 document would those measures be placed into?
6 Where would you see, like, these controls for,
7 like, the de-mudding and the wrapping of the
8 truck and so forth?

9 THE WITNESS: It probably would end
10 up in several different documents. For
11 example, the soil erosion sediment control
12 plan would have to have some of those measures
13 included. Things like the health and safety
14 plan, any work plans that are generated for
15 completing remedial action. Could be any
16 number and probably will be included in
17 several different documents.

18 VICE CHAIRMAN JONES: Okay. What
19 are the penalties for breaching any of that?
20 And who's responsible for monitoring and
21 checking those controls as they're
22 actually being -- as those measures are taking
23 place?

24 THE WITNESS: Ultimately it would be
25 the property owner, but I'm not familiar with

1 what the exact penalties would be. But the
2 property owner would be obligated.

3 VICE CHAIRMAN JONES: But who's
4 inspecting those controls that are to be in
5 place?

6 THE WITNESS: There will be -- well,
7 there will be personnel on site. Possibly
8 even I may have some involvement or people
9 from one of the -- the engineer or the
10 consulting firm, EWMA.

11 Typically we implement these air
12 monitoring programs at the site and would
13 probably also document the condition of trucks
14 leaving the site. So it's something that we
15 do on a routine basis. So we do typically
16 have people on site to monitor what is
17 happening.

18 BOARD MEMBER SANDOW: Could I add in
19 here that it seems to me the trucks leaving
20 the site and whether they're properly
21 covered and so on, isn't that a general
22 police powers issue under motor vehicle law
23 and would be enforced by whoever enforces
24 motor vehicle law? Maybe the local police
25 department or perhaps some other special

1 police entity?

2 THE WITNESS: Yeah, possible but
3 not -- you know, not my area of expertise.
4 But I would imagine so, yes.

5 VICE CHAIRMAN JONES: That's all for
6 me, Mr. Sullivan. Thank you very much.

7 THE WITNESS: Thank you.

8 CHAIRMAN HANDS: Time to get to the
9 Board's professional engineer in a second, but
10 we're still on our Board questions, if you
11 will.

12 Are there any other questions from
13 Board members?

14 BOARD MEMBER VERLEZZA: No.

15 CHAIRMAN HANDS: All right. Okay.

16 Michael, could I ask to turn it over
17 to you as the Board's professional?

18 MR. LANZAFAMA: Yes. Mr. Sullivan,
19 Michael Lanzafama with Casey & Keller.
20 Mr. Jones asked most of my questions. My
21 concern was removal of material from the
22 site.

23 During the demolition of the
24 buildings, to me, that is the most difficult
25 time controlling dust and air monitoring. As

1 Mr. Jones asked, how will we be assured that
2 that will be properly executed and we're not
3 going to have an issue with dust being blown
4 off the site that could possibly have
5 contaminants in it?

6 THE WITNESS: Okay. Well, again, I
7 think there will be a presence on site to --
8 for those monitoring and precaution efforts.
9 I know that some of these monitoring stations
10 that you put on the perimeter of the property
11 are automated and will send alarms to even
12 someone's computer if a level of any type of
13 particulate that we're concerned with is
14 exceeded.

15 So, you know, it is a fairly robust
16 program and there will be a presence at the
17 site to do some oversight.

18 MR. LANZAFAMA: Are weather
19 conditions taken into account? For example,
20 on extremely windy days, will construction
21 activity cease or demolition activity cease
22 until such time that it would be less likely
23 that contaminants might be blown off the
24 site?

25 THE WITNESS: Yeah. I mean, it's

1 certainly possible and we let the data guide
2 our decisions. But, yes, I have worked at
3 sites where, during windy days we did shut
4 down operations because we did get alarms that
5 were being set off by the perimeter monitoring
6 station. So it's possible, yes.

7 MR. LANZAFAMA: Okay. That's all I
8 have. Thank you.

9 MS. LEHENY: Sorry, Mr. Chairman, I
10 just have one quick question.

11 CHAIRMAN HANDS: Please.

12 MS. LEHENY: Sure.

13 Good evening, Mr. Sullivan. I was
14 just wondering, I know you talked a lot about
15 the apartment area, but I had questions
16 actually about the restricted area. And I
17 understand that there's a fence that separates
18 them.

19 But what if somebody -- a future
20 resident, maybe a kid -- were to breach that
21 fence and get into the restricted area? What
22 would the sort of risk be to that person or
23 the exposure -- I understand the restricted
24 area has been capped, but can you explain a
25 little bit what that means and, you know, what

1 kind of precautions or precautionary measures
2 are put in place to prevent that from
3 happening?

4 THE WITNESS: Okay. Well, these
5 types of areas are common, these capped and
6 fenced-in areas. So really all you can do is
7 keep the fence maintained. Sometimes signs
8 are required. I'm not sure if they are in
9 this instance. And the cap is in place. So
10 even if someone did breach the fence, there
11 shouldn't be any risk of exposure to someone
12 because the asbestos has been capped.

13 So really all you can do is take
14 reasonable measures to keep the things
15 maintained and signage and things of that
16 nature in place.

17 MS. LEHENY: Is the fence just a
18 chain-link fence? Is that what's proposed?

19 THE WITNESS: Honestly, I don't -- I
20 don't know. The fence is in place already,
21 correct?

22 MR. REGAN: I believe there's an
23 existing fence that has been in place I think
24 since -- I assume since the areas were
25 remediated and -- you know, and the landfill

1 closed.

2 I believe -- and I'll have to
3 confirm this. I believe the applicant may be
4 replacing some of the fence to a more
5 decorative-type fence, but obviously we would
6 continue to provide the security that's
7 necessary to prevent people from accessing the
8 site.

9 MS. LEHENY: Okay. That's my only
10 question.

11 MR. REGAN: Actually, our engineer
12 can probably expand upon that when he
13 testifies.

14 MS. LEHENY: Okay.

15 CHAIRMAN HANDS: Do you mind --
16 while we're talking about the Superfund site,
17 do you mind if we just push it a little bit
18 further on a couple of questions, or is that
19 not appropriate at this time?

20 MR. REGAN: Mr. Chairman, that's
21 fine. I mean, the only -- the only caveat is
22 that I know that Mr. Sullivan, you know, is
23 really not involved or was not involved in the
24 landfill, but we'll try and answer any
25 questions that you have. And, if not, we'll

1 try to get answers.

2 CHAIRMAN HANDS: Yeah, I think
3 it's -- I'm actually not addressing this to
4 Ed, but just maybe to talk to the other
5 members of the applicant's team. I'm sure we
6 may have time to talk about the Superfund
7 site.

8 But I want to refer to the -- let me
9 just get the title. The consent order. Is
10 that something that's appropriate to refer to
11 that or not?

12 MR. REGAN: Sure. I think that's --
13 you know, the administrative consent order, I
14 believe -- Ed, and correct me. I mean, does
15 that have to do with the developed area of the
16 site or does that have to do with the
17 landfill? I'm not sure myself.

18 THE WITNESS: Yeah, I haven't seen
19 it. Both the EPA and the New Jersey DEP can
20 order -- can issue consent orders, so I'm not
21 sure which entity would have issued that
22 because I haven't seen it.

23 MR. REGAN: Okay. I mean, there is
24 an administrative consent order that was
25 signed by the property owner and DEP, but I

1 was not involved in that. And I'll get an
2 answer -- we'll get an answer for you,
3 Mr. Chairman. I don't know if that refers --
4 if that applies to the landfill portion or --
5 which is the restricted area, as Mr. Sullivan
6 pointed out, or the developable area, which is
7 the subject of the application.

8 CHAIRMAN HANDS: I think it's --
9 it's to do with the Superfund site.

10 MR. REGAN: Okay. Do you have a
11 question?

12 CHAIRMAN HANDS: I do. And it goes
13 back to liability.

14 MR. REGAN: I'm sorry?

15 CHAIRMAN HANDS: I'm sorry. It
16 talks to liability.

17 MR. REGAN: Okay.

18 CHAIRMAN HANDS: Redevelopment. The
19 meeting minutes says "Redevelopment of the
20 asbestos landfill" -- I don't want to -- I
21 hope this is not a left field question. But
22 Point 30 says "Should Prism develop any
23 portion of the asbestos landfill or otherwise
24 compromise the asbestos landfill, then Prism
25 shall assume full responsibility for repairs

1 pass without limitation."

2 At some point, I'd like to just ask
3 a bit more about what safety measures. I know
4 that that would be very accidental should
5 something happen, I would presume, very
6 accidental, but it seems like the liability
7 would transfer to Prism should something
8 impact the Sup -- I'll just call it the
9 Superfund site, but the cap. Is that
10 something that we can discuss at a future
11 point in time?

12 MR. REGAN: I think that's accurate
13 if that's what the ACO says. I mean, they own
14 the property. When they purchased the
15 property, they purchased the landfill portion
16 of the property and assumed responsibility for
17 the operation and maintenance of that as well
18 as accepting any liability.

19 I don't know if that answered your
20 question, but...

21 CHAIRMAN HANDS: I'd like to
22 understand what consequences there could be to
23 that because I could only imagine if something
24 happened. There's a financial impact that
25 could be quite large presumptively. That's a

1 presumption.

2 MR. REGAN: Okay. Yeah, I don't
3 know that I can answer that, but we'll try to
4 get an answer for you as to what the
5 consequences are. The ACO may address that.
6 If not, then we'll see if we can get you an
7 answer to that.

8 CHAIRMAN HANDS: Yeah, I would
9 really appreciate it if you could put just
10 some thought into what the consequences could
11 be if there's any accidental disturbance or --
12 "compromise" is a word they use -- to that
13 site or part of that site.

14 Deb, where we are on time? How do
15 you want to handle the next --

16 VICE CHAIRMAN JONES: Sorry,
17 Mr. Chairman. Yeah, just one -- one final
18 question. Before -- and, Mr. Sullivan, this
19 question's for you.

20 At the very end, when everything has
21 been remediated, you issue a certificate. If
22 that certificate is not issued, what -- what
23 is not allowed to proceed? Building or
24 people moving in? What does that -- what does
25 the inability to gain a certificate of

1 remediation prevent the owner of the property
2 from doing?

3 THE WITNESS: Typically this type
4 of -- I'm only pausing because there's all
5 kinds of different situations that could
6 develop. Usually in a development
7 situation -- not always, but usually -- that
8 letter, that RAO letter, is issued at the end
9 of the project. Because sometimes there may
10 be, for example, an additional cap that might
11 be put in place and the cap could consist of a
12 parking lot as part of the development. So
13 essentially I would have to certify in that
14 instance that the parking lot is an acceptable
15 cap for contamination.

16 So, you know, it varies from case to
17 case as to when that final letter is issued.
18 So that's why -- the only reason I'm
19 hesitating on how to answer your question.

20 VICE CHAIRMAN JONES: So before
21 somebody can move into the apartments, that
22 ROA, right, needs to be certified first, is
23 that correct? Is that a fair assumption?

24 THE WITNESS: That, I'm not sure. I
25 think it may depend on the municipality.

1 Maybe they have an ordinance that they don't
2 issue a certificate of occupancy until an RAO
3 is issued. I guess it would be dependent on
4 the municipality.

5 VICE CHAIRMAN JONES: Okay. Because
6 my concern -- or my questioning is more around
7 ensuring that that site is properly
8 remediated; that the issues with that site are
9 properly addressed; and, that the
10 certificate's done in the right manner so that
11 when people are moving into that, that there
12 isn't something still open that needs to be
13 addressed.

14 It's almost like moving into a house
15 where you're getting a certificate of
16 occupancy. That's kind of how I'm looking at
17 it. They're the same, but yet different. But
18 you can't move into the house until you have a
19 certificate of occupancy.

20 So I'm just wondering if this is the
21 same type of process when dealing with a site
22 with contaminants on it, I guess.

23 THE WITNESS: Yeah. It's not
24 strictly the same. It's more about certifying
25 that a remedial action has been completed in

1 accordance with the regulations.

2 I mean, another example would be if
3 you excavate out all the contamination before
4 the development is completed, it's possible
5 you could have one of those RAO documents
6 issued even before development -- construction
7 begins. So it could happen at all
8 different -- different stages.

9 And, you know, we -- you know, we do
10 this all the time in coordination with
11 development projects. You know, especially
12 residential development projects. So, you
13 know, it is -- it is something that we do all
14 the time in working with the various entities
15 to make sure that everything is done at the
16 time it needs to be done.

17 I hope that helps answer your
18 question.

19 MR. REGAN: Thank you. I just want
20 to add, I want to -- I think Mr. Jones's
21 question is a little simpler from my
22 perspective. I mean, Ed, you're going to do a
23 remedial investigation, as you've described,
24 for the site or a remedial investigation is
25 going to be done for the site. It's going to,

1 you know, characterize the extent of the
2 contamination. And then a remedial action
3 work plan will be prepared which essentially
4 will say how you're going to deal with the
5 contamination, is that correct?

6 THE WITNESS: Correct.

7 MR. REGAN: And then you're going
8 to -- then the property owner, as part of the
9 development, whether they do it before,
10 during, depending on the nature of the
11 contamination, will need to address all of the
12 contamination, you know, prior to completing
13 the development, right? I mean, is that
14 correct?

15 THE WITNESS: Yeah. Most times,
16 yes, unless -- unless the development itself
17 acts as a cap, which happens --

18 MR. REGAN: Good. Yeah, I'm not
19 disputing that. So I understand that they may
20 leave contaminated soil in place, but
21 obviously cap it so that it's, you know, not a
22 threat to, you know, public health and safety.
23 But essentially it's all going to be
24 addressed, you know, prior to, you know, the
25 development being completed and essentially

1 people occupying the residence.

2 THE WITNESS: Right. And that's
3 essentially what I was trying to say, just not
4 quite as well as you just did. But, yes, we
5 do this all the time and we work in
6 coordination with developers.

7 VICE CHAIRMAN JONES: Thank you.
8 And I can appreciate that you're close to it,
9 much closer to it than I. But I think it's
10 just important for people to know that -- what
11 does that certificate mean in the big picture?
12 And it's a pretty important piece. I consider
13 it a very important piece to the whole
14 project.

15 So thank you very much for
16 articulating that.

17 And, Mr. Regan, thank you very much
18 for simplifying that.

19 MR. REGAN: Of course.

20 THE WITNESS: Thank you.

21 VICE CHAIRMAN JONES: Thank you,
22 Mr. Chair.

23 CHAIRMAN HANDS: Just one other
24 question. I hate to -- when I was looking at
25 the plans, and I'm looking at A-3, I see a

1 reference to LSRP on the monitoring wells. So
2 I just made this -- it's Demolition Note No.
3 10. "Existing monitoring wells shall remain
4 unless otherwise noted... All monitoring wells
5 shall be done in accordance with" wells -- or
6 "with all applicable regulations and as
7 directed by the LSRP of record." Okay? "As
8 for demolition, see Reading No. -- Point No.
9 10."

10 My only point in asking this
11 question is I -- and maybe I missed it. I
12 don't see many references to LSRP in the plan.
13 The one reference I see is very specific. I'm
14 just trying to get a -- get the Board's
15 sense as to the responsibility the LSRP has
16 during this process.

17 And we already talked about the
18 plans, et cetera. I don't see many references
19 to the LSRP with it. And it may not be
20 appropriate to reference, but it just struck
21 me as just a bit of an oddity that it's
22 referred to in one place very specifically and
23 not generally, as I would think an LSRP has
24 some responsibility -- you know, quite a large
25 responsibility to the process.

1 Am I misunderstanding anything there
2 or is it common practice to refer to it in a
3 very specific case or situation?

4 THE WITNESS: Yeah. On that
5 particular plan that may have been referencing
6 monitoring wells because sometimes monitoring
7 wells need to be replaced during construction
8 and they have to be abandoned or sealed
9 temporarily.

10 But, yeah, to answer your question,
11 yeah, the LSRP has broad oversight of
12 everything that has to do with soil or
13 groundwater issues at the site including
14 oversight of the investigations and
15 certification of the investigations of the
16 remedial action plan, of the remedial action
17 implementation, of things like the health and
18 safety issues, air monitoring, disposal --
19 off-site disposal of any materials, concrete
20 or soil. That's under the purview of the
21 LSRP.

22 So, yeah, it's very broad oversight
23 of most of the activities that are going to
24 take place.

25 CHAIRMAN HANDS: So getting back

1 actually to my question about the (Zoom drop)
2 that would be helpful to get a sense as to the
3 responsibilities of (Zoom drop).

4 THE REPORTER: Mr. Hands, could you
5 repeat that? I had trouble understanding
6 that.

7 CHAIRMAN HANDS: I'm sorry.

8 Yeah. Just referring to the LSRP
9 very specific instance of reference on C-3,
10 Point -- Demolition Note No. 10, whereas in
11 this conversation, LSRP does have a Board role
12 to play. So just clarification of that role
13 to make sure that we're not -- you know, it's
14 not isolated to one or two instances, both of
15 oversight, but is, in fact, water and, B, that
16 what looked to me as one of the few references
17 in the plans or in the application.

18 So just some clarification of the
19 role, responsibilities we discussed earlier
20 and you're going to put something a bit more
21 generic together just so we know where your
22 responsibilities lie, what plans to expect,
23 what the process could be. I think for all
24 our confidence in the process it would be
25 helpful.

1 THE WITNESS: Okay.

2 MR. REGAN: Mr. Chairman, just --
3 there is something on the Borough's website,
4 and I don't know if the applicant provided it
5 or someone on behalf of the township put it
6 up. But there is a two-page overview of the
7 licensed site remediation professional program
8 that actually addresses the roles and
9 responsibilities under the LSRP program.
10 And I know you're talking specifically to
11 this site, but I think they would apply to
12 this site, but we'll see what we can provide
13 you.

14 CHAIRMAN HANDS: Yeah, I do have
15 that. I know it's two pages. Just so
16 everybody at home may follow along, this is a
17 DEP summary of TIFA. The way I find it is
18 under the first page, under "News" on the
19 front page of Long Hill Township, right at the
20 very end, dated -- posted 6/5/18, it's the
21 last item, "DEP Summary of TIFA." There's a
22 consent order I mentioned earlier, a summary
23 of the order, and the two-page summary of the
24 LSRP that you referred to, Frank.

25 And that's fine. But I think

1 something more specific or tangible to this
2 application in terms of the plans because I
3 don't know what the plans refer to here as
4 opposed to what we've discussed.

5 MR. REGAN: Okay.

6 CHAIRMAN HANDS: So something a
7 little bit more specific to this application
8 that address some of the areas of this
9 application, that would be extremely helpful,
10 at least to me.

11 VICE CHAIRMAN JONES: And that
12 document's two years old, so let's get a
13 refresh of that.

14 CHAIRMAN HANDS: It's actually 2014
15 it says.

16 VICE CHAIRMAN JONES: All right. So
17 now we're talking almost a decade.

18 CHAIRMAN HANDS: Correct. Thank
19 you.

20 VICE CHAIRMAN JONES: Thank you.

21 CHAIRMAN HANDS: Okay.

22 Frank, with that, was that the
23 conclusion, then, of the testimony from your
24 LSRP, environmental?

25 MR. REGAN: Yes.

1 CHAIRMAN HANDS: Thank you.

2 I think we're doing pretty
3 reasonable on time. I know we may normally
4 take a break at such a time. Is that
5 something we should consider now or do you
6 think we should open up to some public
7 questions?

8 COORDINATOR COONCE: That's
9 completely up to you, Chairman, and the
10 members of the Board.

11 CHAIRMAN HANDS: Does anybody feel
12 the need for a ten-minute break or are we to
13 potentially continue?

14 BOARD MEMBER PFEIL: Ten-minute
15 break.

16 CHAIRMAN HANDS: Thank you. Okay.
17 I have it as 9:19. Can we say 9:30 to
18 reconvene? Would that be appropriate for
19 everybody?

20 VICE CHAIRMAN JONES: Yep.

21 CHAIRMAN HANDS: And at that point I
22 think we can then take some questions.

23 COORDINATOR COONCE: Absolutely.
24 Okay. Break starting now.

25 (Whereupon, a recess is taken.)

1 COORDINATOR COONCE: We are back to
2 recording, Mr. Chairman.

3 CHAIRMAN HANDS: Thank you. I
4 appreciate -- appreciate that break.

5 Just a quick note here. I'd just
6 ask the folks just to give a little bit of an
7 abbreviation of title or position. There's a
8 obviously a bunch of people who want to talk
9 so it may be helpful. And just also to refer
10 back to the web page, I think there's a bio
11 listed of who's speaking on behalf of the
12 applicant. If you go back to the same
13 location on the website that Deb pointed to
14 earlier, you should be able to find at least a
15 bit of background as to who was speaking, what
16 their roles are.

17 And I think it's listed -- it's the
18 first item under the web page. It's list of
19 professionals to testify. On there you will
20 see Ed Sullivan, LSRP, was listed first, as
21 the person to speak first, et cetera.

22 So just as a reference, there's a
23 list of folks speaking. And if we could just
24 maybe help it along with just a title,
25 description, on our tile or whatever you want

1 to call the video piece here.

2 Okay. Thank you for that. We're
3 back again at 9:32. Should we just open it up
4 to the public questions? I'll leave you to
5 monitor that, if that's okay, as to who the
6 person --

7 COORDINATOR COONCE: Absolutely.
8 Yes. So for those who are not on a web link,
9 if you are calling in on a telephone, I
10 believe it is *9 that will allow you to raise
11 your hand.

12 If the members of the Board or the
13 applicant are ready, we have questions coming
14 in. Are we ready?

15 CHAIRMAN HANDS: Please.

16 COORDINATOR COONCE: Okay. As a
17 reminder to all members of the public, please
18 announce your name and where you're from,
19 i.e., Millington, Stirling, et cetera.

20 Here we go. First member of the
21 public. Take the mute off. There we go.
22 Hello? I have a CA on our screen. CA. The
23 person CA, can you hear us? You're not coming
24 through.

25 Okay. I might have to go to the

1 next person.

2 Mr. Chairman, can you see this
3 person up but no response?

4 CHAIRMAN HANDS: Yeah. Yeah. Why
5 don't you just go to the next. Go in order.
6 I guess take whoever's next.

7 COORDINATOR COONCE: Yes,
8 absolutely. All right. For now I'll just put
9 this person, this individual, back there and
10 then we'll go back. All right. Perfect.

11 Terry Carruthers.

12 MR. CARRUTHERS: Good evening. Can
13 you hear me, Deb?

14 COORDINATOR COONCE: Yes. Good
15 evening, Terry.

16 MR. CARRUTHERS: Good evening. And,
17 Mr. Chair, good evening. My name is Terry
18 Carruthers. I'm chairman of the township's
19 Environmental Commission. I would like to
20 make a couple of comments and then I have a
21 few questions for Mr. Sullivan.

22 My comments are about timing of this
23 application. I only received the actual
24 documents for this application in about March.
25 I didn't have a chance to present any of this

1 to the Environmental Commission because of the
2 COVID-19. So the Commission has not had a
3 formal opportunity to review that.

4 This afternoon I started the process
5 of looking for permission to hold a Zoom
6 meeting next Monday to present this material
7 to the Commission.

8 The only thing is this is a very
9 comprehensive application, probably the
10 largest application that the township has --
11 that the township has seen presented to it in
12 quite a while. And it's very complicated.
13 There's a lot of paperwork involved. And I
14 haven't -- because of health issues, I haven't
15 had the health or the energy to review a lot
16 of the paperwork.

17 And I would like to formally request
18 that the Environmental Commission be allowed
19 to hire its own environmental remediation
20 expert to review our concerns and review the
21 material and the interpretation of that
22 material. And that this person be funded from
23 the escrow account established to cover the
24 cost of professional services. So that's
25 something for you to consider, our request.

1 So my questions are for
2 Mr. Sullivan.

3 Good evening, Mr. Sullivan. Nice
4 Irish name.

5 THE WITNESS: Good evening. Thank
6 you.

7 MR. CARRUTHERS: Could I just
8 establish what your relationship is to Prism
9 and EWMA? Are you an employee? Are you a
10 subcontractor? How does that work?

11 THE WITNESS: I am an independent
12 consultant. The name of my company is ELS
13 Environmental. So I am a sole practitioner
14 LSRP. So I would work -- you know, I work in
15 a number of different contractual capacities.
16 I could be a subcontractor to EWMA, which I
17 believe I am on this one, or sometimes I work
18 directly for property owners.

19 So, yeah, so that would be my
20 relationship on this project.

21 MR. CARRUTHERS: Okay. And I just
22 have a couple of simple questions in relation
23 to the material that you presented this
24 evening.

25 You said that there were perched

1 waters to be found out at some of the well
2 monitoring sites, was that correct, or at some
3 of the actual sites that were tested?

4 THE WITNESS: Yeah, I think it was a
5 combination of both. But I think primarily
6 from what I've seen, it's mostly at the
7 northern end of the site where there was some
8 perched water.

9 MR. CARRUTHERS: Okay. And you said
10 that perched water is transient. So in what
11 way is it transient? Does it disperse into
12 the surrounding soil? Does it disperse --
13 does it disperse into the air in some way?
14 How is it transient, do you know?

15 THE WITNESS: At this particular
16 site, maybe some longer-term monitoring might
17 be necessary. It was, I guess, a more generic
18 statement. Typically it is transient and
19 dependent on the time of the year. Most of
20 the time you're going to see your perched
21 water during the wetter times of the year; you
22 know, late winter, spring. And a lot of times
23 some perched water will dry up later in the
24 year, in the summer and in the fall. And as
25 far as where it goes, basically it's through a

1 process of evaporation or what they call
2 evapotranspiration. So essentially the soil
3 dries up.

4 MR. CARRUTHERS: Yep. And how
5 extensive is the perched water? Can you --
6 can you define that or clarify that?

7 THE WITNESS: I mean, as I'm sitting
8 here now, I can't. Just from looking at the
9 data from the site investigation, it just
10 appears that there are a number of locations
11 where they drilled and found no water and
12 then there were a few locations where they did
13 find water.

14 And perched water is common in this
15 type of geologic environment, where you have a
16 lot of finer-grained soils, where sometimes
17 water that's infiltrating from rain will
18 essentially sit on top of some of these
19 low-permeability layers in the subsurface.

20 So I don't have a full handle of the
21 extent of it right now, but that will all, of
22 course, be part of the remedial investigation
23 to get a better handle on the groundwater
24 condition.

25 MR. CARRUTHERS: Okay. So the

1 perched water, though, is actually separate
2 from the groundwater, is that correct?

3 THE WITNESS: Yes.

4 MR. CARRUTHERS: Or could be.

5 THE WITNESS: Yes, it could be.

6 There could be a separation between the
7 perched water and the true water table. On
8 some sites, the DEP -- if perched water is
9 extensive and actually persists year round,
10 the DEP may enforce groundwater standards in
11 that type of perched water. So far it doesn't
12 look like that's what we have here.

13 But having said that, I mentioned
14 that there's free product in one area on top
15 of this perched water and that would still
16 have to be addressed regardless of whether
17 that's the true water table or not.

18 MR. CARRUTHERS: Okay. And could
19 you remind me? Did you find any contaminants
20 within those perched -- in the areas of
21 perched water?

22 THE WITNESS: I think there were
23 some dissolved phase contaminants in that
24 perched water as well, yes.

25 MR. CARRUTHERS: So are we talking

1 about some of the polycyclic aromatic
2 compounds that you mentioned earlier? Are you
3 talking about VOCs? Are you talking about oil
4 products?

5 THE WITNESS: I think there were
6 some VOCs in the perched water.

7 MR. CARRUTHERS: Okay. And so if --
8 do the -- do you know if the VOCs, if they are
9 present, would they disperse in the same way
10 as the water or does that disperse into the
11 soil? Will it -- is there a risk that at
12 present it's dispersing into the air during
13 the drying out process?

14 THE WITNESS: Yeah, that's one of
15 the issues that we would have to look at. I
16 touched on the issue of vapor intrusion, so
17 that's something that we would have to look
18 at.

19 Now, presumably if that area is
20 remediated and through the process of
21 remediation the perched water and the
22 dissolved phase contamination are no longer
23 present, there may not be any vapor intrusion
24 concerns.

25 But, yeah, that's something that we

1 would look at during the remedial
2 investigation is: Where is the perched water?
3 Where might there be contamination in the
4 perched water? And, if so, is there a vapor
5 intrusion risk? Because, yes, you can get
6 vapor intrusion off of perched water just as
7 readily as you can off of your true water
8 table.

9 MR. CARRUTHERS: Okay. And
10 presumably there could be oils floating across
11 the surface of the areas of perched water?

12 THE WITNESS: I'm sorry, could you
13 ask that again?

14 MR. CARRUTHERS: I presume there
15 could be oils floating across the surface, on
16 top of the surface of those areas of perched
17 water when they develop that would probably
18 concentrate any oils that are in the soil
19 there.

20 THE WITNESS: Yeah, you're right.
21 Yeah, you're right. If there are oils that
22 are floating on top of the water, they're in
23 the soil. The oil is in the soil bores,
24 between the soil particles. So, yeah,
25 essentially the soil is contaminated as well.

1 MR. CARRUTHERS: Okay.

2 MR. REGAN: Can I ask a question,
3 Mr. Sullivan, on that? I mean, is that -- is
4 that based on the site investigation that was
5 done, that conclusion, with respect to the
6 oil, or is that just a general statement?

7 THE WITNESS: Yeah, that was part of
8 the site investigation. They did note -- I
9 think it was only in one spot. So it doesn't
10 look like it's a large area, but there was
11 some oil noted on one of the -- in one of the
12 drilling locations up there by these former
13 oil pits, I think they call them.

14 MR. REGAN: Okay.

15 MR. CARRUTHERS: And typically are
16 those areas of perched water -- I would
17 imagine as them being prisms of perched water
18 within the soil. Would that be correct, that
19 the profile would be some kind of
20 elongated -- would they typically be fairly
21 small areas of water or a couple of hundred
22 square feet, do you know?

23 THE WITNESS: The perched water?

24 MR. CARRUTHERS: Yes.

25 THE WITNESS: On this particular

1 site, I'm not sure yet. I think more
2 investigation is needed. But in general it
3 varies from, you know, a small areas of tens
4 of square feet or you could have a perched
5 water table that, you know, covers, you know,
6 acres.

7 MR. CARRUTHERS: Okay.

8 THE WITNESS: So it does vary.

9 MR. CARRUTHERS: Okay. And my next
10 area of questioning has to do with the control
11 of air pollutants. And some of those were
12 addressed by previous speakers.

13 But can you explain during the
14 demolition process how they prevent
15 contaminants from getting into the air,
16 particularly in a large building site such as
17 that?

18 THE WITNESS: Typically it's done --
19 well, there's a combination of things that we
20 do. Some are precautions and some are
21 monitoring. Precautions would involve dust
22 control. Typically that's just as simple as,
23 you know, spraying surfaces down with water
24 during demolition.

25 The air monitoring would be

1 another -- another way to, not control, but
2 to make sure that there's no adverse impacts
3 from any dust or vapors that might be emitted.
4 And that would typically involve both
5 monitoring in the work area to protect workers
6 and then some sort of more, you know,
7 perimeter-type program to be protective of
8 local residents.

9 MR. CARRUTHERS: Because that would
10 be our area of concern, is that the
11 development site is at the western end of
12 town. It's quite a large area and if there
13 was a lot of air contamination going on, it
14 could contaminate a fairly large area of
15 town.

16 Typically do the -- do the builders
17 who are awarded these contracts in this kind
18 of a situation, are they specialist builders?
19 Do they have previous experience with this
20 type, dealing with these types of
21 contaminants?

22 THE WITNESS: I don't know how to
23 answer that for sure. I would imagine a lot
24 of them working in New Jersey would be because
25 we see these types of issues at lots of

1 construction sites in New Jersey.

2 MR. CARRUTHERS: My question is
3 really to the Chair. That if this does get
4 approval, is there a way of examining what
5 experience the builders have of doing this
6 kind of work? Because there's a lot of room
7 for human error here, you know, to creep in.

8 CHAIRMAN HANDS: Actually maybe the
9 applicant -- you know, I don't know the
10 construction contractor. Perhaps you can get
11 some details about who's actually going to do
12 the building. And, you know, to Terry's point
13 a little bit, what expertise do they have with
14 contaminated sites?

15 MR. REGAN: I'm not sure that we're
16 there yet, Mr. Chairman. You know, I mean,
17 Prism is obviously an experienced developer.
18 They've developed, you know, all over north
19 and central Jersey. You know, they're going
20 to hire responsible contractors who have
21 experience in -- you know, in building these
22 kinds of projects.

23 I mean, this is a fairly -- I say
24 simple in terms of, I think, the construction,
25 you know, of the project that's proposed and

1 the remediation. You know, they'll obviously
2 need to hire responsible contractors. I
3 mean, that's all incumbent upon Prism to do
4 that.

5 CHAIRMAN HANDS: And the fact that
6 there's an LSRP in the process independent is
7 oversight to ensure that some of these -- just
8 to monitor the progress? Am I presuming too
9 much between the LSRP himself, the applicant
10 and developer, that this will be handled I'm
11 sure in a very cordial and professional
12 manner?

13 MR. REGAN: Absolutely. I mean, I
14 don't want to go on -- you know, there's two
15 pieces to it, I think. And, Ed, correct me if
16 I'm wrong. I mean, there may be the need for
17 a contractor that specializes in environmental
18 remediation and then there's obviously the
19 contractor that's going to do site
20 improvements and construct the building.

21 So I think there's multiple layers
22 of contractors that will be involved in this
23 project starting with, you know, the
24 environmental remediation. And, you know,
25 it's ultimately up to Prism to make sure that

1 they hire, you know, responsible licensed
2 contractors. And I'm sure they have those
3 relationships based on the work that they've
4 done in other parts of the state where they've
5 encountered environmental issues.

6 THE WITNESS: Right. And the
7 contractors who would do any remediation work,
8 they have to be licensed. They have to have
9 sufficient health and safety training from
10 OSHA. So, yeah, they are qualified to do the
11 work that they're hired to do.

12 CHAIRMAN HANDS: Thank you.

13 MR. CARRUTHERS: I have no further
14 questions, Mr. Chairman, but I would repeat my
15 request, particularly as the mayor is
16 present -- and good evening, Mr. Mayor -- that
17 we be allowed to hire our own environmental
18 expert to review some of this material and to
19 perhaps address concerns that members of the
20 public may also have and that this be funded
21 from the escrow account which is established
22 to cover the cost of such professional
23 services.

24 That's all I have to ask. Thank
25 you.

1 MAYOR RAE: Thanks, Terry. That's
2 something that we can -- that we certainly
3 discuss.

4 Mr. Chairman, can I ask a question
5 in that regard?

6 CHAIRMAN HANDS: Of course.

7 MAYOR RAE: Mr. Sullivan, there has
8 been some talk about the town hiring its own
9 LSRP and as a -- you know, to work alongside
10 or at least to report back to the town to
11 interpret the work that's been done and the
12 findings.

13 Have you -- have you worked with
14 that in that kind of arrangement in the past?
15 Is it a common arrangement? In your
16 experience, if you have worked with it in the
17 past, is it one that actually works?

18 THE WITNESS: I have worked in those
19 types of relationships in the past and I would
20 have no problem whatsoever with it. You know,
21 sometimes two minds are better than one and,
22 you know, I would welcome -- welcome the
23 input.

24 MAYOR RAE: Thank you.

25 VICE CHAIRMAN JONES: Mr. Chair, I

1 do have one question for Mr. Sullivan.

2 Mr. Carruthers brought up perimeter
3 protection. And on one side of the property
4 at the particular location, we have the
5 Passaic River. So I'd like to hear a little
6 more about what we can do or what's going to
7 be done to protect and safeguard the waterways
8 that travel alongside the TIFA site.

9 THE WITNESS: Okay. I would think
10 all of those types of measures would probably
11 be addressed with the soil erosion sediment
12 control plans to prevent runoff. At this
13 particular site, given that the restricted
14 area is between the apartment area and the
15 river, I think essentially in a lot of ways,
16 it would act as a buffer, so to speak, to
17 prevent any issues.

18 My understanding right now is that
19 there haven't been any documented impacts
20 through that surface water or the sediments in
21 the river from the prior site operations. So
22 I think with, you know, the proper controls
23 that are -- I think are routine with sites
24 like this, I think that the waterways will be
25 protected.

1 VICE CHAIRMAN JONES: Okay. I just
2 don't have -- Stonehouse Road is south of the
3 TIFA site and the grade flows towards the
4 river there. So I guess my expectation would
5 be that safeguards would be put in place to
6 ensure that water isn't traveling down or
7 sediment isn't eroding down that roadway.
8 Having biked up that road, the water can pick
9 up a little bit of speed and head off and make
10 its way down to that river.

11 So I would expect that controls are
12 put in place to safeguard the waterways as
13 well as the community that surrounds it and
14 uses the waterways.

15 Thank you. Thank you, Mr. Chair.

16 CHAIRMAN HANDS: Can we go on to the
17 next member of the public?

18 COORDINATOR COONCE: Yes. So our
19 next individual from the public is Kathy
20 O'Leary.

21 Kathy.

22 MR. O'LEARY: Actually, it's Tom
23 O'Leary.

24 COORDINATOR COONCE: Okay.

25 MR. O'LEARY: Yeah.

1 THE REPORTER: I'm sorry. Can I get
2 that name again? This is not Kathy O'Leary.
3 Who is it?

4 MR. O'LEARY: It's Tom O'Leary.

5 THE REPORTER: Tom O'Leary. Thank
6 you.

7 MR. O'LEARY: Yeah. I live on
8 Division Avenue in Millington.

9 And I just want to pick up on some
10 of the questions actually that Mr. Lanzafama
11 asked in terms of -- I guess from my
12 perspective, the biggest concern I have, and
13 Mr. Lanzafama hit on it, was in terms of, you
14 know, the -- I guess the biggest potential for
15 release of airborne is when you do the
16 demolition.

17 And as I understood your answer, I
18 guess, you know, you're going to decide what
19 type of airborne monitoring will be used to
20 detect, right? And that has yet to be
21 decided, but you're going to make that
22 determination as you get into the project, is
23 that fair?

24 THE WITNESS: Yeah. That would
25 happen, you know, before the project starts.

1 And that's the type of specialty service
2 that -- I'm not a real expert on air
3 monitoring, so we would bring in some sort of
4 specialty contractor who specializes in that
5 type of work to do that.

6 MR. O'LEARY: So you'd sub that work
7 out in terms of developing that air monitoring
8 plan, I guess?

9 THE WITNESS: Typically, yes. Yep.

10 MR. O'LEARY: Okay. Now, I guess
11 from your standpoint, is there discretion in
12 terms of, you know, the type of air monitoring
13 selections that you would employ? Do you have
14 discretion to use the type of air monitoring
15 you want to use, or select?

16 THE WITNESS: Yeah, absolutely. As
17 an LSRP, I'm not expected to be an expert on
18 every aspect of a remediation, but, you know,
19 I am expected to bring in expertise as needed.
20 And this is the type of situation where I
21 think special expertise would be -- would be
22 needed.

23 MR. O'LEARY: Yeah. And I -- and
24 I -- and I can appreciate where you're coming
25 from and I understand that.

1 As I understand the LSRP program,
2 kind of, you know, you're basically, for lack
3 of a better term, in terms of the cleanup of
4 the site, kind of the buck stops at the -- the
5 buck stops with you and you're kind of putting
6 your license on the line to make sure it gets
7 done correctly. Is that fair?

8 THE WITNESS: That's fair, yeah.
9 There's a licensing board. There's a code of
10 conduct. You know, there are all the
11 regulations and guidance that an LSRP is
12 expected to follow. So, yes, it's...

13 MR. O'LEARY: Yeah. But in terms
14 of -- so, like, in terms of the actual goings
15 on on the site, I guess the town doesn't
16 really get into that. It's really kind of
17 your call as a professional. Is that fair?

18 THE WITNESS: Yeah. For the
19 remediation aspects, yes.

20 MR. O'LEARY: Yeah, I guess -- I
21 guess the one concern I have, and this is kind
22 something I put out to the chair of the Board,
23 is just, you know, I understand there's an
24 intersection, I think, between the role of the
25 town and the LSRP. And I'm not suggesting the

1 town should intrude on the LSRP's, you know,
2 authority or purview.

3 But, you know, in terms of -- you
4 know, I have a lot -- I know Mr. Lanzafama
5 professionally and I have a lot of -- I have a
6 lot of trust in him. And I would just ask as
7 a condition of approval that in terms of any
8 sort of perimeter monitoring plan, that, you
9 know, it at least be run by him to make sure
10 he -- you know, he gets his sign off on that
11 just from a health and safety standpoint from
12 the town -- from outside of the site. I think
13 it would just give a lot of residents -- it
14 would certainly give me a lot of comfort. I
15 don't think that's a big ask, but I was just
16 wondering if that could be a condition of
17 approval. I throw that out there.

18 CHAIRMAN HANDS: Well, it sounds
19 reasonable to me.

20 MR. O'LEARY: I mean, you know,
21 whatever the plan is that he comes up with, I
22 just would like him to run it by
23 Mr. Lanzafama. And, you know, if he has --
24 you know, I know him professionally. And if
25 he's comfortable with it, that would give me a

1 lot of assurance and I think hopefully it
2 would give the residents assurance, too.

3 MAYOR RAE: Mr. O'Leary, given your
4 experience in this type of work, you know, is
5 this something that you've found to be common?
6 Because I know you've had some experience or
7 the firms at least that you've worked with has
8 experience in this. Is this common? Is this
9 something that you find is a common
10 occurrence?

11 MR. O'LEARY: Well, the way I look
12 at this, there's two ways you can kind of skin
13 this cat, Brendan. I mean, you could do it --
14 you know, the township could do a developer's
15 agreement and then, as part of the -- as part
16 of the -- as a condition of approval, you can
17 have your own environmental consultant go out
18 and do the inspections from a -- looking at it
19 from a health and safety standpoint. Sort of
20 like spot checks, for lack of a better term,
21 and have the developer fund it out of the
22 escrow; or, alternatively, you know, if you --
23 maybe you put a perimeter monitoring thing out
24 there. Maybe -- my biggest concern is really
25 the airborne. You know, you have -- you run

1 it by the engineer. I mean, I just feel you
2 have the discretion to do whatever you want.
3 I think it's reasonable, you know.

4 But, I mean, typically I could tell
5 you, though, like, I've done, like -- and I've
6 been construction counsel for a number of
7 projects on the order -- they run in the range
8 of 50 to 60 million dollars in terms of the
9 volume of work that's being put in. A lot of
10 times, you know, the developer will have its
11 own engineer, will do its own testing for
12 compaction and stuff like that, to make sure
13 the work in place is going in and it's okay
14 and it conforms with the specs. But the
15 township typically does its own inspections
16 just to verify. More in the (Zoom drop)
17 project and the developer usually funds that
18 out of the escrow.

19 So that is the thought. I mean,
20 just from the standpoint of just, you know,
21 have some sort of sign-off in terms of the
22 perimeter monitoring from an airborne
23 standpoint just to kind of -- because that's
24 my biggest concern.

25 And then, you know, I guess, you

1 know, I have faith in Mr. Sullivan that
2 he'll do what he says he's going to do.
3 But, you know, it might be a little
4 long-winded here, but I think you know what
5 I'm saying.

6 MAYOR RAE: Yeah. Thanks, Tom.

7 MR. O'LEARY: Oh, just one other
8 question, too, Mr. Sullivan. In terms of when
9 you're talking about remediation of this -- of
10 the site, I take it really one of the remedial
11 actions is really to leave it in place and cap
12 it in place, is that fair?

13 THE WITNESS: Yeah, that's always
14 one of the options. Yeah.

15 MR. O'LEARY: Yes. So, you know,
16 like, if there's asbestos in the site, you
17 know, people should not -- you know, there's
18 no -- it's not like it's necessarily going to
19 be removed. It might be just capped in place.
20 Is that fair?

21 THE WITNESS: Yes. And you probably
22 know that there aren't really any soil
23 standards related to asbestos in New Jersey.
24 You know, you could default to some of the EPA
25 sort of standards or guidelines. So you may

1 not necessarily have to cap asbestos in soil,
2 but it's something that, you know, we would
3 have to look at as the remedial investigation
4 progresses.

5 MR. O'LEARY: Yeah. But I guess
6 what I'm saying is, like, I just did a job
7 where they took out 20,000 tons of
8 asbestos-contaminated debris and it was 2.4
9 million to haul it off. I suspect, you know,
10 if -- you know, if you can keep it in place
11 and comply with the technical regulations,
12 you'll do that as opposed to a haul-off
13 situation. Is that fair? I'm not saying that
14 you'd do that much --

15 THE WITNESS: Yeah, that's fair.
16 Yes.

17 MR. O'LEARY: And that's really the
18 point I was making.

19 Okay. Thanks. That's all my
20 questions.

21 CHAIRMAN HANDS: Thank you, Tom.

22 Could I just ask, just go back to,
23 Ed, that sort of that schedule, that RACI, as
24 Tom mentioned. Is it appropriate to say
25 within that plan that -- there's, you know, a

1 number of different things that you said. Let
2 me just -- you know, the airborne; we had
3 health and safety.

4 Is it common for you to say this
5 plan probably warrants some sort of review
6 by -- whether it be a township LSRP or a Board
7 planner or engineer, is there a step that you
8 may say, just for safety sake, why not have
9 that second pair of eyes on it?

10 THE WITNESS: Well, I mean, from my
11 perspective, I would say that would really be
12 up to whoever is working on behalf of the
13 municipality. They get a list of documents
14 and decide which ones he or she wants to
15 review.

16 MR. REGAN: Can I -- Ed, I mean, I
17 think you've said this numerous times. At the
18 end of the day, you're the one certifying to
19 the remediation, correct?

20 THE WITNESS: Correct.

21 MR. REGAN: So, I mean, the idea of
22 the township hiring their own LSRP, they're
23 more than free to do that if they want to pay
24 for it. I don't think it's appropriate for
25 the redeveloper -- or the developer to pay for

1 it out of escrow. You know, the property
2 owner has an obligation to remediate the site
3 if they're going to develop it. They hired an
4 LSRP who's responsible for overseeing that
5 remediation.

6 I don't know -- you know, as I said,
7 if the township hired someone, I don't think
8 that the applicant, you know, would
9 necessarily have a problem consulting with
10 them, but at the end of the day I think it's
11 Mr. Sullivan's decision as to, you know, how
12 the remediation is carried out because he
13 ultimately has to certify to it.

14 THE WITNESS: Right. So ultimately,
15 yes, I have to certify to it and justify what
16 has been done.

17 And the one thing I guess I should
18 also touch on is that even though the LSRP is
19 making the decisions, it's not in a -- in a
20 total vacuum. The New Jersey DEP still does
21 view submittals from the LSRP. So, you know,
22 I have to make sure that whatever I --
23 whatever I approve and certify is also going
24 to pass the muster of any review that the DEP
25 may do.

1 CHAIRMAN HANDS: And I absolutely
2 understand where you're coming from, Frank.
3 That's certainly a consideration. But I would
4 like to go back to the plan. I'd like to have
5 some comfort -- and put aside who's paying it
6 for a second, right. Where the appropriate
7 place is for it, we'll say a third party is to
8 take a look at stuff, whether it be the --
9 and, again, I'm not worried about the money,
10 who's paying for it right now. I'd just like
11 to get a sense as to where those sensitive
12 points are.

13 We heard from Mr. O'Leary, that
14 there's sensitive point about the airborne.
15 I'd just like to make sure we acknowledge that
16 and have an understanding of how we're going
17 to address that. And maybe we don't do
18 anything. Maybe the township does something.
19 I'm not sure, but I think it would be helpful
20 to have that discussion.

21 MR. REGAN: Yeah, I don't know that
22 we would be opposed to that. I mean, I don't
23 know enough about the air monitoring, but
24 obviously -- and, Ed, feel free to elaborate.
25 But an air monitoring plan, I assume that

1 there are regulations, whether it's at the
2 state or federal level, you know, that have to
3 be implemented to ensure that any monitoring
4 program complies with proposed regulations.

5 So I don't think -- is that
6 accurate, Ed?

7 THE WITNESS: Yeah. I mean, again,
8 air monitoring specifically is a little
9 outside of my realm. But, yeah, I mean, there
10 are regulations and/or guidelines, probably
11 both on a state and a federal level.

12 MR. REGAN: Okay.

13 CHAIRMAN HANDS: Okay.

14 VICE CHAIRMAN JONES: Mr. Chair, if
15 I might intervene. I think to Mr. O'Leary's
16 point, it's about consultation and a comfort
17 level. So just reaching out to our health and
18 safety advisor just to consult with can go a
19 long way. It will add transparency and give
20 comfort that, you know, the concerns of the
21 residents are being addressed in a holistic
22 manner. So I think that's the approach that's
23 trying to be conveyed here.

24 MR. REGAN: Understood.

25 VICE CHAIRMAN JONES: Thank you.

1 CHAIRMAN HANDS: Thank you, Tom.

2 Appreciate that.

3 VICE CHAIRMAN JONES: Cheers.

4 CHAIRMAN HANDS: Okay. Deb, who is
5 next on the --

6 COORDINATOR COONCE: Next we have
7 Mike Smar -- well, I'm not going to try to
8 pronounce his last name. I apologize. Mike
9 S. Unmute yourself. You must unmute.

10 MR. SMARGIASSI: Hello?

11 COORDINATOR COONCE: Yes. Mike S.

12 MR. SMARGIASSI: Yeah. Mike
13 Smargiassi, Millington, New Jersey. And just
14 a question for Mr. Sullivan.

15 In response to the -- I believe it's
16 the second -- maybe the first or second
17 question from the public, you stated that you
18 essentially don't have a full handle on what
19 is currently at the site in terms of
20 contamination and that we need the remedial
21 investigation to be able to get a handle on
22 that. But the remedial investigation report's
23 not available until 2021, I think is what you
24 said earlier.

25 So is it correct, kind of, to speak

1 that that report really provides us with a
2 much better understanding of what's at the
3 site versus what we know today?

4 THE WITNESS: I think of it as a
5 more deep picture. The site investigation
6 does give you enough information so that you
7 know in general what types of contamination
8 you're dealing with and possibly how
9 widespread it is.

10 So in this particular situation, I
11 think there is a fairly good handle on what
12 we're probably going to be dealing with for
13 remediation. It's just a question of sort of
14 fine-tuning the areas and the volumes of
15 contamination and things of that nature.

16 MR. SMARGIASSI: Is it common for
17 the Board to have a remedial report before
18 making a decision on an application? It just
19 seems a little backwards. Before I build, you
20 know, I perk my soil to see if I can get a
21 septic. So wouldn't I want, as a Board, as
22 the public, to have that remedial report
23 first?

24 THE WITNESS: Is that something you
25 want me to --

1 MR. SMARGIASSI: Well, is it --
2 you've had other applications like this. So,
3 I mean, is that report usually available when
4 you filed an -- when you've come to testify
5 before a Board?

6 MR. REGAN: Ed, don't answer that.

7 I don't -- I mean, I don't -- I'm
8 not sure that it's appropriate for
9 Mr. Sullivan to answer that. He indicated he
10 had never testified before a planning or
11 zoning board before.

12 MR. SMARGIASSI: Oh, I missed that
13 earlier. All right. I'll save that question
14 for someone later.

15 One additional one and then I'll be
16 done. The current site, the apartment area,
17 is already essentially 100 percent impervious.
18 It is all building or pavement today. So it's
19 been essentially capped for decades.

20 When you open up that cap, does that
21 give you any concerns or do you believe it
22 could create any other potential issues as the
23 site is developed?

24 THE WITNESS: Again, that's --
25 sometimes you have issues arise during

1 development. There should be contingencies in
2 place to deal with them. Most of the time,
3 though, when you remove a building, most of
4 your contamination is going to be outside of
5 the building areas. Not always, but typically
6 you won't find as much contamination under a
7 building because, essentially, like you said,
8 it's been capped for, you know, so many
9 decades that the contamination hasn't been
10 discharged or migrated underneath the
11 building.

12 MR. SMARGIASSI: All right. Thank
13 you.

14 COORDINATOR COONCE: No further
15 questions?

16 MR. SMARGIASSI: No, that's it. I
17 would just hope that the Board will consider
18 asking for the remedial report and its
19 findings before making a decision. I think
20 that's a very valuable tool and critical
21 information to have.

22 COORDINATOR COONCE: Okay. Thank
23 you very much.

24 All right. We are moving on to
25 Dave.

1 Dave, are you are there?

2 MS. BERQUIST: Yeah, this is
3 actually Christina Berquist.

4 COORDINATOR COONCE: Christina, can
5 you spell your last name for us, please?

6 MS. BERQUIST: B-E-R-Q-U-I-S-T.

7 COORDINATOR COONCE: I'm sorry. One
8 more time a little slower.

9 MS. BERQUIST: B-E-R-Q-U-I-S-T.

10 COORDINATOR COONCE: Thank you. And
11 you are from where?

12 MS. BERQUIST: Millington, River
13 Road.

14 COORDINATOR COONCE: Okay.

15 MS. BERQUIST: So I wanted to
16 address a question to Mr. Sullivan. I have a
17 question regarding -- or, well, I'm a little
18 bit confused on some of the things that you
19 were saying earlier with regards to the
20 investigation found at the site preliminarily,
21 so I wanted to clarify first.

22 You said you've taken your findings
23 mainly from the reports of the EWMA and the
24 Stonefield, is that correct?

25 THE WITNESS: Correct.

1 MS. BERQUIST: So you didn't
2 actually -- like, were you actually on that
3 site yet?

4 THE WITNESS: No, I haven't been
5 actually on the site yet. I was only
6 retained a short while ago. So I'm going --
7 right now I'm going off the existing
8 reports.

9 MS. BERQUIST: Okay. And so those
10 reports were done. And all your findings that
11 you were stating were from -- I mean, I recall
12 when you were counting up some of these
13 numbers -- was from EWMA, right?

14 THE WITNESS: Correct.

15 MS. BERQUIST: And there was a lot
16 of -- I found there to be a lot of, like,
17 "there may" and the levels are relatively low
18 as far as contaminants. And, you know, there
19 were a lot of, like, limited asbestos and
20 relatively low.

21 What are the actual -- I mean, I
22 know you've said they're in an appendix which
23 is not available to the public. So I get it,
24 I don't see that yet. I'm hoping that will be
25 made available.

1 But what -- what levels are there
2 that -- you mentioned, also, that there are no
3 soil standards related to asbestos in New
4 Jersey, is that correct?

5 THE WITNESS: That's my
6 understanding, yes.

7 MS. BERQUIST: Okay. So then what
8 levels would we be going by, you know, as
9 concerned citizens? I do have children and
10 I'm very concerned, living so close to the
11 site, that, you know, the health and safety of
12 my family and all the families around us
13 aren't going to be taken into account. This
14 appears to be a very large site. You know,
15 the documents are, I mean, very large to even
16 just go through and make myself an idea as to
17 what I'm actually up against here. I'm not
18 feeling terribly comforted by all these, you
19 know, maybes and possibilities.

20 So what are the EPA standards? You
21 mentioned there are EPA standards for asbestos
22 related to the soil or to the air. What are
23 those limitations?

24 THE WITNESS: So, first, I should
25 say I'm not really an expert on asbestos. I

1 know some. I'm familiar with it on other
2 sites. So it may not be a question that I can
3 answer tonight as far as what exactly -- what
4 other guidelines or standards there may be for
5 asbestos in soil.

6 I think that as we develop our
7 remediation approach, all those sources would
8 be considered and we would use what was the
9 sort of appropriate approach for addressing
10 any asbestos in soil.

11 I'm sorry, I can't give you details,
12 but that's, you know, how the process would
13 work.

14 MS. BERQUIST: Right.

15 THE WITNESS: You know, we would
16 identify all of the potential -- potentially
17 applicable guidance and regulations and
18 standards.

19 MS. BERQUIST: Yeah, that's -- I
20 mean, I understand. I just find that a little
21 bit scary on my end as a mother and, you know,
22 like, I would like to know what we're dealing
23 with here.

24 And, also, the other question I had
25 was earlier, when you explained about, you

1 know, what the typical procedures are for the
2 cleanup going from -- you know, going from,
3 like, areas of concern to site investigation
4 and then the remedial investigation, you
5 said eventually all problem areas would be
6 removed.

7 Now, I saw there was 22 problem
8 areas identified in the report. So are all
9 these going to be removed?

10 THE WITNESS: No, because of the
11 process I was talking about, how you sort of
12 winnow down the list.

13 MS. BERQUIST: Uh-huh.

14 THE WITNESS: And you're only
15 required to remediate those areas where you
16 have documented contamination that New Jersey
17 regulations would mandate that you clean them
18 up.

19 MS. BERQUIST: But if New Jersey
20 doesn't have any regulations with regard to
21 soil contamination for asbestos, like, are
22 there actually any regulations in place that
23 would mandate a cleanup and removal of
24 asbestos-containing materials?

25 THE WITNESS: I mean, there are, I

1 think, more federal-type guidelines and
2 numbers that may or may not apply.

3 MS. BERQUIST: And do you have to
4 follow -- you as, like, the LSRP, do you have
5 to follow the federal guidelines or are they
6 just sort of -- like, I'm not too familiar,
7 honestly, with this whole process of the, you
8 know, the different entities of government.
9 But is the DEP and essentially you, as an
10 LSRP, obligated to be under the EPA or just
11 site by site?

12 THE WITNESS: No, we would not be
13 under the EPA at all on this.

14 MS. BERQUIST: Okay.

15 THE WITNESS: What an LSRP can do is
16 where there is not any New Jersey standards or
17 guidance, you can look to other jurisdictions
18 that might have guidance and maybe follow that
19 guidance, if there is federal guidance, for
20 example.

21 And, you know, I'm sorry I'm not
22 directly answering your question here. I
23 think that this is an issue that we're going
24 to have to evaluate as the process moves
25 along.

1 MS. BERQUIST: Right. Okay.

2 And would the town be responsible
3 for obtaining some of these other
4 guidelines or would that be Prism as the
5 developer?

6 THE WITNESS: I think it would be
7 more the purview of the LSRP, I think, to
8 identify anything that might be applicable, to
9 fill in any gaps in the -- in the New Jersey
10 DEP guidance.

11 MS. BERQUIST: So essentially Prism.

12 MR. REGAN: No, no, no, no.

13 MS. BERQUIST: You work for Prism?

14 MR. REGAN: Ed, you're guided --
15 you're guided by DEP rules and regulations,
16 correct?

17 THE WITNESS: Correct.

18 MR. REGAN: Any remediation -- any
19 investigations that you undertake associated
20 with this property and any remediation that
21 ultimately will be taken will be in accordance
22 with all DEP rules and regulations, which is
23 the State of New Jersey Department of
24 Environmental Protection, correct?

25 THE WITNESS: Correct.

1 MS. BERQUIST: But you just said
2 there weren't any regarding
3 asbestos-containing soil.

4 THE WITNESS: Yeah, I'm not aware
5 that there are any soil standards. I don't
6 believe there are.

7 MS. BERQUIST: Okay. Well, I mean,
8 I do find that very concerning. And I would,
9 you know, really appeal to our town to -- you
10 know, to piggyback off of what Mr. Smargiassi
11 said earlier, to really look for the next
12 stage of the findings to really be able to
13 evaluate what we're dealing with before moving
14 forward in this building project.

15 Because, you know -- and somebody
16 else had just identified that earlier. You
17 said there is -- you know, and this is only
18 the soil right now. You know, and on the soil
19 note, too, I wanted to know -- you said that
20 the mound between what's currently there, you
21 know, the warehouse building and the river
22 would be a barrier for the river, right, for
23 any runoff you said?

24 THE WITNESS: I think I was
25 referring to the former landfill area.

1 MS. BERQUIST: Right. So you said
2 that that sort of acts as a -- as a barrier or
3 as a buffer, I think you said, between, you
4 know, the river and whatever is in the ground
5 on that site.

6 THE WITNESS: Yeah. And it has
7 nothing to do with the landfill, per se. It's
8 just good to have any piece of property
9 between where you're doing earthwork and a
10 body of water. Because if you could imagine
11 if you're doing work directly on the river
12 bank, there's a greater risk of something
13 running off into the river. That was my only
14 point.

15 MS. BERQUIST: So is that mound
16 essentially -- I don't -- you know, I don't
17 know exactly what -- I mean, I read through
18 what was put in place to cap that contaminated
19 dump site, but is that mound right now
20 essentially nonpermeable or...

21 THE WITNESS: I'm not familiar with
22 the specific details of the cap over the
23 asbestos area, so I can't answer that.

24 MS. BERQUIST: I mean, it says
25 that there's top layer soil for 6 inches and

1 then there is some rock and then there is a
2 biotextile. So I'm not familiar with
3 biotextiles and that. I was just trying to
4 find out if that's currently able to -- you
5 know, if water currently is able to permeate
6 through that into the river.

7 MR. REGAN: Mr. Sullivan is not
8 qualified to answer that because he wasn't
9 involved in the landfill closure.

10 MS. BERQUIST: Okay. Well, but
11 somebody from the town, I guess, would be able
12 to answer that, is that correct? I mean,
13 somebody who's reviewed that. I mean, I saw
14 it in the EPA report.

15 CHAIRMAN HANDS: Well, counsel?

16 MS. BERQUIST: Is the town
17 considering that that mound, that cap mound, a
18 water permeable surface or not?

19 COORDINATOR COONCE: Well, that's
20 not really the Board's jurisdiction. You
21 would have to speak with the township
22 engineer to discuss that. The Planning Board
23 doesn't have jurisdiction over that.

24 MS. BERQUIST: Okay. All right.
25 That's fair enough.

1 And my last question was just as far
2 as the demolition of this project goes. You
3 mentioned, you know, really the biggest
4 problem with asbestos might be the air
5 contamination and the particles floating in
6 the air.

7 Am I -- did you say that the
8 developer would be responsible for putting
9 safety measures in place to monitor what's
10 being hauled off the site?

11 THE WITNESS: What -- could you
12 phrase that again? I'm sorry.

13 MS. BERQUIST: I was referring to
14 the demolition, you know, the project -- once
15 the project starts, the demolition of it, and
16 taking potentially contaminated materials,
17 including asbestos, off the site for removal.
18 Somebody else had addressed it earlier, I
19 believe. I'm not sure anymore who addressed
20 it.

21 But, you know, the trucks would be
22 going through residential areas. I know you
23 said there would be this cleanup of the muddy
24 tires and all that. And there would be --
25 typically there is a -- I don't know, whatever

1 is above -- over the truck bed so nothing can
2 float away.

3 MR. REGAN: I think he addressed
4 that question.

5 THE WITNESS: The --

6 MS. BERQUIST: I'm sorry?

7 MR. REGAN: I think he addressed
8 that question already. And, I mean, you just
9 recounted what he said.

10 MS. BERQUIST: Well, I'm asking for
11 the simple reason that I have driven numerous
12 times behind trucks, you know, hauling things
13 away and, you know, dust and things were
14 falling off left and right. So, I don't
15 know. I'm not familiar with what the
16 standards are for that.

17 And I would like to know if there
18 are actual, you know, higher standards in
19 place than just putting a screen over soil
20 that's being hauled away. You know, we do
21 have an elementary school right down the
22 street from the construction site and it is
23 concerning what could potentially enter the
24 air and, you know, expose a lot of children to
25 that.

1 THE WITNESS: Well, if it -- if it
2 helps, the one thing I can add to my earlier
3 explanation, if your particular concern is
4 asbestos, there shouldn't be any asbestos
5 material in the demolition material. If there
6 is any, that's all safely removed prior to any
7 demolition. So any trucks carrying demolition
8 material off site, there shouldn't be any
9 asbestos in that material.

10 MS. BERQUIST: Okay. Thank you.

11 COORDINATOR COONCE: Christina, do
12 you have any more questions?

13 MS. BERQUIST: Not for the moment.
14 Thank you.

15 COORDINATOR COONCE: Thank you.

16 Mr. Chairman, I would ask at the
17 hour, at 10:25, if you want to take some more
18 questions? At this time we would need a
19 motion to continue on.

20 CHAIRMAN HANDS: Thank you. I
21 didn't realize -- the time escaped me.

22 How many people have we got lined up
23 for questions?

24 COORDINATOR COONCE: Well, right
25 now, one, two, three, four that have not asked

1 questions yet.

2 CHAIRMAN HANDS: I'm wondering,
3 because of the hour, whether we could
4 continue. It sounds like, you know, there's a
5 couple of to-dos as well. Would it be
6 appropriate -- maybe I'll just ask the Board
7 and the applicant.

8 Is this something we're going to
9 move to our next meeting or is everybody
10 comfortable to continue on for a little bit
11 longer?

12 VICE CHAIRMAN JONES: Mr. Chair,
13 before we ask the applicants, do we have any
14 limitations on the recording?

15 COORDINATOR COONCE: We do not.

16 VICE CHAIRMAN JONES: Okay. Thank
17 you.

18 MR. REGAN: Mr. Chairman, we're fine
19 with continuing. It's up to you and the
20 Board.

21 BOARD MEMBER PFEIL: I suggest that
22 we stop. We've only got -- you've got four
23 minutes. You're not going to get through four
24 questions.

25 MAYOR RAE: You know, I would

1 actually be fine with staying on for a little
2 while longer, especially just for four
3 questions. I mean, if we extended it, we
4 could probably do it by -- within another half
5 hour.

6 VICE CHAIRMAN JONES: Yeah, I echo
7 that. I'm good with extending.

8 BOARD MEMBER MALINOUSKY: I vote
9 with Al. I prefer to stop tonight.

10 CHAIRMAN HANDS: I need a
11 tiebreaker.

12 BOARD MEMBER VERLEZZA: I'm good
13 with staying. People waited this long to ask
14 their questions. If we can get them in, I'd
15 like to try to get them in.

16 BOARD MEMBER FALVEY: Extend it.

17 BOARD MEMBER SANDOW: On the other
18 hand, CA hasn't been heard from yet.

19 COORDINATOR COONCE: He's two in
20 line.

21 BOARD MEMBER SANDOW: Yeah, but
22 we're not sure that he's able to configure
23 himself to talk. And he will --

24 VICE CHAIRMAN JONES: We'll worry
25 about that when we get to that.

1 CHAIRMAN HANDS: Why don't we -- why
2 don't we just cap it -- who are the four
3 people that you have lined up on the -- on
4 the -- to speak?

5 COORDINATOR COONCE: Currently
6 who have not spoken, there is a Stella
7 Caprio, a CA2, a Jon Caputo, and Kathy O'Leary
8 again.

9 CHAIRMAN HANDS: That's four, right?
10 Did I count that right?

11 COORDINATOR COONCE: Correct, four.

12 CHAIRMAN HANDS: Okay. Can we limit
13 it to those four, then, and extend it until 11
14 o'clock?

15 COORDINATOR COONCE: Well, you can
16 do whatever you like as long as we have a
17 motion, a second, and it passes.

18 BOARD MEMBER VERLEZZA: I think
19 that's reasonable.

20 MAYOR RAE: Motion.

21 BOARD MEMBER VERLEZZA: Second.

22 CHAIRMAN HANDS: Who motioned?

23 MAYOR RAE: I did.

24 CHAIRMAN HANDS: Brendan, thank you.

25 Second?

1 BOARD MEMBER VERLEZZA: I seconded
2 it.

3 CHAIRMAN HANDS: Thank you.

4 COORDINATOR COONCE: All in favor?

5 (Whereupon, a voice vote was taken;
6 chorus of "ayes" heard.)

7 COORDINATOR COONCE: Any opposed?
8 Raise your hands. There's two opposed. The
9 ayes have it.

10 BOARD MEMBER VERLEZZA: Sorry.

11 COORDINATOR COONCE: So the next
12 individual from the public, we will welcome
13 Stella Caprio.

14 Stella.

15 MR. CAPRIO: This is actually Joe
16 Caprio, her husband.

17 COORDINATOR COONCE: Can you spell
18 your first name, please?

19 MR. CAPRIO: Sure. Joe, J-O-E,
20 Caprio.

21 COORDINATOR COONCE: Okay. And you
22 are --

23 MR. CAPRIO: And we're in
24 Millington.

25 COORDINATOR COONCE: Thank you.

1 MR. CAPRIO: And I have two
2 questions for Mr. Sullivan.

3 Mr. Sullivan, based on our
4 discussion just prior regarding the building,
5 based on the past use of that building being a
6 building material manufacturer and the years
7 that they were manufacturing building
8 materials, have you looked at quantifying the
9 sheer volume of the potential
10 asbestos-containing materials that exist in
11 the building right now? Have you identified
12 between the sheetrock, the plaster, you know,
13 the mortar that was used between the bricks?
14 Whatever it may be. But back in those times,
15 frequently they did put asbestos in those
16 materials. But just that -- you know, our
17 main concern is the dust control, the air
18 pollutants and when that demo occurs, that
19 going airborne living so close to the site.

20 So my question would be, have you
21 evaluated that or do you plan to evaluate
22 that based on just that sheer volume of
23 potential asbestos-containing materials in the
24 building?

25 THE WITNESS: Okay. So the removal

1 of asbestos materials that are part of the
2 building construction, that's a little bit out
3 of my purview. But the typical process is
4 that an asbestos review is done prior to
5 building demolition and that any
6 asbestos-containing material would be safely
7 removed from the building prior to the overall
8 demolition taking place.

9 MR. CAPRIO: Excellent. That's
10 great to know. So you guys would -- you would
11 go through, you would evaluate it, and then
12 you would give a recommendation back to Prism
13 of this is what we feel -- you know, what we
14 tested or what we feel could be potentially
15 asbestos-containing material?

16 THE WITNESS: Right. And it may be
17 a specialty contractor that typically does
18 that type of evaluation and testing of the
19 material in the building and then the removal,
20 safe removal of that material.

21 MR. CAPRIO: Yeah, that's great.
22 No, that's my question because I'm actually a
23 developer myself. We've developed quite a few
24 historic properties and we always hire a
25 licensed asbestos abatement company before any

1 demo to come in and dismantle those types of
2 potential problems or potentially
3 asbestos-containing material.

4 THE WITNESS: Yes, we --

5 MR. CAPRIO: So by doing that,
6 you're basically limiting it to when the demo
7 happens, it's really going to come from the
8 soil that we're concerned about, not the
9 actual building.

10 THE WITNESS: Well, I'm not sure any
11 soil would be disturbed during the demo. I
12 don't think that other than grading activities
13 and maybe --

14 MR. CAPRIO: Well, are you guys
15 potentially looking at a slab on grade versus
16 driving pilings into the ground as far as your
17 foundation?

18 THE WITNESS: That, I couldn't
19 answer.

20 MR. CAPRIO: No, because if you're a
21 slab on grade, you're not disturbing the soil,
22 but if you're driving into the ground for
23 footings, you are disturbing it. So would
24 that -- I guess that's another question.
25 Would that be part of the assessment that you

1 would do before you started -- before you
2 started building?

3 THE WITNESS: It would be, yes.

4 MR. CAPRIO: Okay. Okay, great.

5 And that's kind of, I guess, back to the
6 woman that just spoke before me, you know,
7 having this information prior to actually
8 starting this work. You know, just for us to
9 have a safe feeling that it's going to be
10 contained, the sheer volume of asbestos that
11 we're dealing with and, you know, having
12 little children. And we love our neighborhood
13 and we love our town. We don't want to leave,
14 but, you know, it's just very scary. So, you
15 know, having those things answered.

16 And then the last thing, would you
17 recommend -- as far as the demo, obviously you
18 don't get everything when you do remove
19 asbestos. There is room for error. Will you
20 be recommending a licensed asbestos abatement
21 contractor to do the full-blown demo?

22 Because, I'll tell you, I'm a
23 contractor and there's a fine line between --
24 we have great -- all types of subs that we
25 work with. And the guys that really do it day

1 in and do out and understand abatement
2 contracting and understand asbestos, those
3 guys really have it, you know, from their
4 supers down to their foremens, down to their
5 lead guys, you know, swinging the big rigs and
6 knocking things down.

7 You know, you see a big -- and a lot
8 of times -- I work with many LSRPs and guys
9 like you and they recommend it. You know,
10 they put the liability back on us; that if you
11 don't use it, it's on you. And we don't have
12 to share that with anybody. That's for our
13 discretion, but at least we know.

14 That's where, I guess, my question
15 for you would be: Would you recommend a New
16 Jersey certified asbestos abatement contractor
17 to do the demo knowing the sheer volume of
18 what this site used to be?

19 THE WITNESS: I mean, I personally
20 think that's outside of the sort of purview of
21 the LSRP. I think that would be more a
22 question for the property owner and the
23 engineer on the project.

24 MR. CAPRIO: That's fair. No,
25 that's fair. Because I typically would

1 hire an environmental service, like a
2 liability management company, to advise me on
3 how to limit my risk. So that makes sense.
4 Okay.

5 All right. Thank you for your time.
6 I appreciate it.

7 COORDINATOR COONCE: Okay. Thank
8 you, sir.

9 All right. We'll move on to CA2.
10 CA2, you're up.

11 MR. ARENTOWICZ: Can you hear me?
12 Charles Arentowicz.

13 COORDINATOR COONCE: We can hear
14 you, Mr. Arentowicz, yes.

15 MR. ARENTOWICZ: I've gone to a
16 different computer. I love these Zoom
17 meetings because technology gets tested. I
18 can't wait to get in public. I've got a
19 number of questions for Mr. Sullivan.

20 Debbie, if you could -- Debra, if
21 you could pull up the first exhibit on the
22 applicant's list of professionals to testify,
23 that would be helpful.

24 COORDINATOR COONCE: You want me
25 to pull up the list of professionals to

1 testify?

2 MR. ARENTOWICZ: Right.

3 COORDINATOR COONCE: Okay.

4 MR. ARENTOWICZ: Mr. Sullivan, would
5 you clarify -- based on what's written there,
6 I'm still confused even on the prior
7 testimony -- what your role is? Who hired you
8 and who are you working for?

9 THE WITNESS: Okay. On a
10 contractual basis, I was retained by EWMA.
11 Not retained, but hired by EWMA.

12 MR. ARENTOWICZ: Okay. So you're
13 working for -- as a consultant to EWMA, is
14 that correct?

15 THE WITNESS: Correct.

16 COORDINATOR COONCE: Prior to
17 today's testimony, who have you talked to at
18 EWMA regarding this site?

19 THE WITNESS: I've had discussions
20 with their project manager.

21 MR. ARENTOWICZ: Francis Rooney?

22 THE WITNESS: No. No, he's the
23 former LSRP. Her name is Mindy -- her last
24 name is escaping me right now. Also some
25 discussions with Don Richardson.

1 MR. ARENTOWICZ: Okay. Was that
2 recent?

3 THE WITNESS: Yeah, within the --
4 you know, within the last few weeks.

5 MR. ARENTOWICZ: And he was on this
6 Planning Board and he's also on the Master
7 Plan Committee. He's recused himself and
8 rightly so.

9 Are you aware that on this property,
10 on the apartment aerated property, the prior
11 owner in 2015 had a sewer main break between
12 Building 3 and 4? Okay? He got a contractor
13 in there and fixed the sewer leak. However, a
14 person from the EPA who works in the emergency
15 and remedial response division came in there
16 and said "What's going on here?" They hit
17 asbestos when they hit the sewer line and hit
18 a lot of it. It went up in the air and no one
19 controlled it.

20 And the EPA had a conversation with
21 our town administrator. They had a discussion
22 with the contractor. Said this is not
23 permissible of what you did and this should
24 never have been done, the contamination that
25 was released into the air.

1 After hearing your testimony tonight
2 about these 22 AOCs, these are all common
3 contaminants.

4 Do you consider asbestos a common
5 contaminant?

6 THE WITNESS: I was referring to the
7 nonasbestos contaminants when I said that.

8 MR. ARENTOWICZ: So how would you
9 classify asbestos?

10 THE WITNESS: I mean, you don't see
11 it all the time. I have seen it at a couple
12 of my sites that I've worked on. And the
13 scenario that you just mentioned, that's
14 precisely why we put plans in place ahead of
15 time, so that that does not happen during the
16 construction activities.

17 MR. ARENTOWICZ: So this plant that
18 manufactured the asbestos, there's asbestos
19 under the pavement without a doubt. It was
20 demonstrated in 2015. The EPA was -- they
21 couldn't believe it happened, okay, how they
22 did this and the contractor and the town and
23 everything else.

24 You should also be aware that we've
25 had at least two areas where we've had

1 asbestos remediation. Both areas that I'm
2 aware of were around an area of South Main.

3 COORDINATOR COONCE: This is not the
4 time to testify --

5 MR. ARENTOWICZ: Yes, it's critical
6 to what the example is and --

7 COORDINATOR COONCE: No, our
8 attorney --

9 MR. ARENTOWICZ: How it relates --
10 how it relates --

11 (Indiscernible crosstalk; reporter
12 requests one speaker.)

13 MR. ARENTOWICZ: -- how it relates
14 to this remediation. What they did, they
15 capped the one place. The other area, they
16 removed some of the asbestos, but they did
17 have two to three air monitors. There is
18 no way -- and it's the same asbestos because
19 it came from this plant. There's no way
20 you're going to be able to take this asphalt
21 cap off and not hit the asbestos and not
22 need air monitors. And you're going to
23 either have to extract it, wet it down or
24 whatever.

25 MR. REGAN: Is there a question?

1 MR. ARENTOWICZ: When you said the
2 common thing -- and you said this about
3 asbestos. There are major issues here. Of
4 the 22 areas of concern, how many of those
5 relate to asbestos?

6 THE WITNESS: I don't believe any of
7 them specifically relate to asbestos.

8 MR. ARENTOWICZ: Well, they mention
9 a term that's -- what is it? Asbestos in the
10 build -- in the material. I forget the term
11 exactly. ACM, what is that?

12 THE WITNESS: Asbestos-containing
13 material.

14 MR. ARENTOWICZ: Okay. That's one
15 of the AOCs. Just one of them.

16 THE WITNESS: Right.

17 MR. ARENTOWICZ: So I think you need
18 to take a look at -- I was citing those two
19 examples to see what they did to remediate --
20 "they," the EPA -- to remediate asbestos that
21 came from this plant, from this facility.

22 THE WITNESS: Yeah. I mean, we --
23 you know, as part of the process of
24 remediation and construction, you know,
25 we'll have, you know, plans and safeguards in

1 place to take care of anything that we
2 encounter.

3 MR. ARENTOWICZ: There are seven
4 monitoring wells on the two sites, two of
5 which are on the apartment site. I didn't see
6 anywhere in your comments or -- what's going
7 to happen to the two wells, monitoring wells,
8 that are on the apartment site of this
9 location?

10 THE WITNESS: You mean what's going
11 to happen during --

12 MR. ARENTOWICZ: Are you going to
13 cover them up in construction? What are you
14 going to do to keep them open?

15 THE WITNESS: The approach that you
16 use for monitoring wells -- excuse me --
17 during construction varies. If they are in an
18 area where it's not possible to save them,
19 they have to be sealed up and then later
20 reinstalled after construction. So you save
21 them if you can, but if you can't, you have to
22 seal them and then reinstall them.

23 MR. ARENTOWICZ: Have they been
24 identified anywhere in what documents been
25 submitted? Are you aware of any? Because I

1 couldn't find any.

2 THE WITNESS: As far as where they
3 are?

4 MR. ARENTOWICZ: No. Yeah, on any
5 of the diagrams that were submitted. The
6 plans.

7 THE WITNESS: Oh, I couldn't -- I
8 couldn't tell you.

9 MR. ARENTOWICZ: I hope somebody
10 can. Does anybody know from the applicant?

11 MR. REGAN: I didn't -- I didn't
12 hear the entire question.

13 MR. ARENTOWICZ: Where are the
14 two monitoring wells in the apartment area
15 of the site and where are they on the
16 diagrams?

17 MR. REGAN: We'll have to -- we'll
18 have to locate them and then point them out at
19 a subsequent meeting. I don't -- I don't know
20 that anybody --

21 MR. ARENTOWICZ: They're very
22 important to us as they should be to you.

23 THE WITNESS: Like I said, if it
24 makes you feel any better, if those wells are
25 damaged or have to be removed for

1 construction, you know, suitable replacement
2 wells will be installed.

3 MR. ARENTOWICZ: And this Phase 2
4 remediation investigation, that's going to be
5 due in the fall of this year?

6 THE WITNESS: That's my
7 understanding, yes.

8 MR. ARENTOWICZ: And the PA/SI was
9 issued in March of 2019? 2018? 2019?

10 THE WITNESS: I believe so, yes.

11 MR. ARENTOWICZ: Do you know when
12 that was originally due?

13 THE WITNESS: I don't know.

14 MR. ARENTOWICZ: Does anybody know
15 from the applicant?

16 MR. REGAN: No.

17 MR. ARENTOWICZ: Okay. It was due
18 in November of 2018. They were five months
19 late.

20 What confidence level do we have
21 that in the fall that we're going to have
22 Phase 2 completed?

23 I didn't hear a response.

24 MR. REGAN: I don't know -- I don't
25 know what response you're looking for.

1 MR. ARENTOWICZ: I'm looking for
2 there's a 10 percent chance it's going to make
3 it. There's a 50 percent chance it's going to
4 make it. It's not going to make it.

5 MR. REGAN: I think Mr. Sullivan
6 said he expects it in the fall of 2020.
7 That's the best we can do at this stage.

8 MR. ARENTOWICZ: I'd like something
9 better than that.

10 Mr. Sullivan, in your 30 years'
11 experience, we have -- you've worked with
12 developers and so forth. We've got a
13 situation where when Phase 1 was done, it was
14 five months late, no. One knows exactly when
15 we're going to get Phase 2.

16 How do you advise a developer to buy
17 this property and take on these risks when you
18 don't know what's below the ground?

19 THE WITNESS: That's not my role at
20 this point.

21 MR. ARENTOWICZ: Well, I'm saying
22 from your 30 years' experience, I mean, you
23 throw darts? What do you do to figure out how
24 much this is going to cost to remediate what's
25 below ground?

1 MR. REGAN: Ed, don't -- there's no
2 need to answer that.

3 He was not -- he was not involved in
4 the acquisition of the property by Prism. He
5 didn't advise --

6 MR. ARENTOWICZ: What I'm asking is,
7 30 years' experience, he's worked with
8 multiple developers, I'm sure, has he not?

9 THE WITNESS: I have, yes.

10 MR. ARENTOWICZ: Let him answer the
11 question.

12 MR. REGAN: What's the question?

13 MR. ARENTOWICZ: The question is:
14 How do you provide advice on the unknowns
15 of this potential contamination to your
16 client?

17 MR. REGAN: He wasn't asked -- he
18 wasn't hired to do that, so it's not
19 appropriate --

20 MR. ARENTOWICZ: I'm asking him
21 based on what he is today.

22 MR. REGAN: Well, he's not going to
23 answer it because, first, the applicant owns
24 the property and he was hired to oversee the
25 remediation as it currently exists and it's

1 not -- it's not necessary for him to answer
2 that question.

3 MR. ARENTOWICZ: I'm ask -- he's the
4 expert.

5 MR. REGAN: But it's irrelevant to
6 his testimony.

7 MR. ARENTOWICZ: It's not irrelevant
8 because I want to see the potential here of
9 what you -- how you weigh this risk. We've
10 got residents here that are concerned about
11 their health and safety. And if it becomes a
12 big cost, does he walk away? It's relevant.
13 I disagree.

14 MR. REGAN: You can disagree.

15 Ed, don't answer.

16 MR. ARENTOWICZ: Thank you. I wish
17 we had these meetings in person.

18 BOARD MEMBER VERLEZZA: Do you have
19 another question?

20 MR. ARENTOWICZ: Yeah. I'm
21 concerned. I'm concerned with the lead-in
22 that these are common issues. They're not
23 common issues. We have major, major issues
24 here with remediation and no one seems to be
25 worried about it.

1 Thank you for your time tonight. No
2 more questions.

3 COORDINATOR COONCE: Okay. We'll
4 hear from Pam Ogens. We have not heard from
5 Pam yet.

6 CHAIRMAN HANDS: Okay. Pam is
7 there. Thank you.

8 COORDINATOR COONCE: Okay. Pam.
9 Pam, you need to unmute yourself.

10 MS. OGENS: Okay. Does it work now?

11 COORDINATOR COONCE: Yes, we can
12 hear you, Pam.

13 CHAIRMAN HANDS: Go ahead, Pam.

14 MS. OGENS: Can you still hear me?

15 CHAIRMAN HANDS: That's better.

16 COORDINATOR COONCE: Yes.

17 MS. OGENS: Okay. I just had to
18 switch over from the phone, but I am getting
19 feedback. Are you getting that as well?

20 COORDINATOR COONCE: We are not.

21 MS. OGENS: Okay. Then I'll just
22 live with it.

23 Okay. I've reviewed the EWMA's
24 preliminary assessment/site investigation.

25 Am I correct in assuming that this

1 is not a remediation plan?

2 THE WITNESS: No, it is not.

3 MS. OGENS: Okay. I would just like
4 it for the record that Mine Hill Township
5 Planning Board recently rejected an
6 application for development which included
7 affordable housing because no remediation plan
8 was provided.

9 MS. MAZIARZ: Well, the Planning
10 Board doesn't know the details of that case
11 and the Planning Board is only permitted to
12 look at the application that's before them.
13 So I would have to advise the Board that
14 that's irrelevant. You don't know anything
15 about that case.

16 So could you please limit your
17 questions to the LSRP, to Mr. Sullivan's
18 testimony?

19 MS. OGENS: Okay. I don't have
20 questions for Mr. Sullivan. I would feel
21 better with someone who had more experience in
22 asbestos remediation. I don't doubt that he's
23 qualified. He is an LSRP, but it's sort of
24 like being an I.C.U. nurse working in labor
25 and delivery.

1 CHAIRMAN HANDS: Thank you, Pam.

2 Is that the end of your questions
3 tonight?

4 MS. OGENS: That's it. Thank you.

5 CHAIRMAN HANDS: Thank you.

6 COORDINATOR COONCE: Okay. Ten
7 minutes left. We have Terry Carruthers -- I'm
8 sorry, Jon Caputo I believe is here. Do we --

9 CHAIRMAN HANDS: Has Jon spoken
10 before? I don't think so, right?

11 COORDINATOR COONCE: All right.
12 Let's try Jon.

13 CHAIRMAN HANDS: Let's just try Jon,
14 yeah.

15 COORDINATOR COONCE: Jon?

16 MR. CAPUTO: Good evening. Can you
17 hear me?

18 COORDINATOR COONCE: Yes.

19 MR. CAPUTO: Fantastic. Thank you.
20 Thank you for extending the meeting. I
21 appreciate -- I appreciate your time.

22 I'd first like to make a point.

23 Some of the information available --

24 COORDINATOR COONCE: I'm sorry, sir.

25 This is questions only --

1 MR. CAPUTO: Okay.

2 COORDINATOR COONCE: -- of the
3 applicant that -- I mean of the witness,
4 Mr. Sullivan.

5 MR. CAPUTO: Okay. This is an
6 administrative question. We noticed that the
7 tables and soil boring logs weren't uploaded
8 to the website.

9 Could those be added to the next --
10 before the next meeting?

11 COORDINATOR COONCE: What tables?
12 What are you talking about?

13 MR. CAPUTO: The tables and soil
14 boring logs that go with the site
15 investigation.

16 COORDINATOR COONCE: The
17 applicant --

18 CHAIRMAN HANDS: I know the
19 appendices and the figures were not made
20 available in what was uploaded.

21 MR. REGAN: We'll provide all of
22 those.

23 CHAIRMAN HANDS: Thank you.

24 MR. REGAN: We didn't realize they
25 were not there.

1 MR. CAPUTO: The question I wanted
2 to ask Mr. Sullivan, given the testimony that
3 we've heard tonight -- first off, I'm a
4 neighbor and a resident of Millington and I'm
5 a practicing architect as well. I've been
6 through this process, but more in the
7 passenger's seat.

8 But for the benefit of the Board,
9 could you explain the process, the
10 decision-making process, for the methodology
11 by which soils would be determined to be
12 removed, remain in place, as far as the
13 process of excavation for each individual
14 building goes? So would this be done all at
15 once? So it would -- the current proposal is
16 for 14 buildings. Would 14 building pads be
17 prepared and brought down to the footing
18 level? And would then the soils be tested
19 individually, for example, or would it be done
20 on a case-by-case basis?

21 Let me just state why I'm asking.
22 I'm concerned as a neighbor with such a large
23 and potentially costly excavation of what you
24 would call a stalled site. There's 130,000 --
25 and correct me if I'm wrong -- 130,000 square

1 feet of building area. And while I can't view
2 the soil logs, the boring logs, I don't
3 believe any soil borings have been made under
4 any of those buildings. So that's potentially
5 130,000 square feet of site area that -- where
6 we don't know what we would find. So that's
7 the first question for Mr. Sullivan.

8 And then after you answer that, I
9 would like to ask the Board if it's -- if the
10 possibility of a performance bond or other
11 kind of bond has been floated in case of
12 economic conditions changing so that a project
13 like this wouldn't be left half completed.

14 COORDINATOR COONCE: Well, I can
15 tell you that performance bonds are calculated
16 by the township engineer once the project goes
17 through the permitting process. So he can't
18 really speak to that.

19 MR. CAPUTO: Okay. Thank you.

20 THE WITNESS: Do you want me to
21 answer?

22 MR. CAPUTO: Can you go through the
23 decision process?

24 THE WITNESS: Yeah, I can answer
25 your question. So the process that we follow

1 is driven by these AOCs that we've been
2 talking about, areas of concern. And so we
3 investigate these areas and then, as
4 necessary, this will be the next step, you
5 sort of span your investigation until you find
6 the limits to the contamination.

7 So whether some of that
8 contamination extends under the existing
9 buildings, you know, that's something that
10 we'll find out during the process. As I
11 mentioned before, because the buildings have
12 been there for so long, essentially they're a
13 barrier to anything being released to the
14 soil below the building. So typically, you
15 know, you won't find contamination under
16 buildings.

17 So the only scenario under which we
18 would do additional sampling under the
19 buildings is if the investigations of these
20 areas of concern lead us to areas under the
21 building.

22 MR. CAPUTO: Debra, you mentioned a
23 performance bond is calculated at the time of
24 application. I think you're referring to the
25 stormwater bond, not the environmental.

1 COORDINATOR COONCE: Yes, but I
2 don't believe the town has -- that the only
3 performance bond that the town collects,
4 there's a storm -- I mean, environmental, not
5 to my knowledge. There's no bond.

6 MR. CAPUTO: So I'm not sure who to
7 direct this question to. Is that a
8 relevant -- or is there someone here who
9 can comment on that possibility and the
10 legality?

11 MS. MAZIARZ: On the possibility of
12 requiring a bond?

13 MR. CAPUTO: The possibility of the
14 township requiring a performance bond to
15 prevent a stalled site.

16 MS. MAZIARZ: The only performance
17 bonds that the municipality is permitted to
18 impose are in the Municipal Land Use Law. The
19 Municipal Land Use Law was amended probably
20 about a year, year and a half ago to clarify
21 what types of performance and maintenance
22 bonds developers would be able -- or would be
23 required to post.

24 And that is a determination that is
25 made pursuant to a developer agreement and

1 that is also a determination made between the
2 township attorney and the township engineer,
3 who is Paul Ferriero and not Casey & Keller.
4 They are the Board engineers. So that's a
5 determination that is made after the Planning
6 Board process.

7 CHAIRMAN HANDS: Is that the end of
8 your questioning?

9 MR. CAPUTO: Yes. I have no further
10 questions. Thank you.

11 CHAIRMAN HANDS: Thank you very
12 much. I know we have two people. We may have
13 to -- we have Kathy O'Leary on and I know
14 we've got Terry, but we're coming up to 10
15 o'clock -- 11 o'clock. I think, is it fair to
16 say that there's probably one or two
17 outstanding items that warrant continuation at
18 the next meeting on this subject?

19 I particularly think of, you know,
20 the EWMA report that has been updated with
21 some missing documents. Is that fair to say?
22 And maybe we could just have it -- continue
23 this to the next meeting or is there a
24 sentiment to continue?

25 VICE CHAIRMAN JONES: From my

1 perspective, I think we end at 11 o'clock.

2 CHAIRMAN HANDS: Yeah. Okay. Then
3 if everybody's comfortable with that -- and
4 say, Kathy, if you can hold your comments,
5 thoughts, to the next meeting.

6 And any other documentation -- and,
7 again, Debra, if any documentation is
8 received, that all goes to the website.

9 COORDINATOR COONCE: Absolutely.

10 CHAIRMAN HANDS: That will be in
11 good time.

12 And we have a stenographer, a court
13 reporter, here as well. What was the thoughts
14 about that?

15 COORDINATOR COONCE: Thoughts of
16 what? I'm sorry, what thoughts about the
17 court reporter?

18 CHAIRMAN HANDS: In terms of whether
19 that information will be available or is that
20 something that will not --

21 COORDINATOR COONCE: The applicant
22 generally will make the information available
23 to us, yes, for a copy or either in a pdf.

24 MR. REGAN: I just don't know that
25 it will be available before the next meeting,

1 Mr. Chairman.

2 CHAIRMAN HANDS: Okay. Thank you.

3 Okay. I know we've got some other
4 agenda items.

5 VICE CHAIRMAN JONES: Mr. Chairman,
6 one second. Mr. Arenowicz questioned on where
7 the two monitoring wells are in, what document
8 it is in. I found it. It's in the Prism site
9 plan, demolition plan, and the two monitoring
10 wells are between Buildings 2 and 3.

11 CHAIRMAN HANDS: Thank you. And
12 that was C-3, right?

13 MR. LANZAFAMA: C-3, correct.

14 CHAIRMAN HANDS: Yeah. Thank you,
15 Tom.

16 I know we have a couple of agenda --
17 other items, but unless -- maybe we can hold
18 those off till next time out. Our thanks to
19 the committees.

20 No old business as far as I'm aware
21 of.

22 MR. FOURNIADIS: Are we -- excuse
23 me, Mr. Chairman, are we going to schedule the
24 next meeting now before you close?

25 CHAIRMAN HANDS: Yes. I just wanted

1 to make sure to just get the other points out
2 of the way first.

3 MR. FOURNIADIS: I'm sorry. I'm
4 sorry.

5 CHAIRMAN HANDS: It's okay.

6 I don't think there's anything else
7 we want to continue with our conversation. So
8 we'll spend the last minute or two with what's
9 our thought for the next meeting?

10 COORDINATOR COONCE: June 23rd is
11 the next meeting. So we would need a motion
12 and a second to carry the application to June
13 23rd.

14 VICE CHAIRMAN JONES: So moved.

15 BOARD MEMBER PFEIL: Second.

16 COORDINATOR COONCE: All in favor?

17 (Whereupon, a voice vote was taken;
18 chorus of "ayes" heard.)

19 MS. MAZIARZ: And that's without
20 further notice. So this is the notice that
21 the public is receiving tonight that the
22 meeting is going to reconvene -- the hearing
23 will be reconvene on June 23rd.

24 Do we need an extension in the time
25 to act?

1 COORDINATOR COONCE: We definitely
2 will. I will work with Mr. Regan on that.

3 MS. MAZIARZ: We can do that on the
4 record.

5 Does the applicant --

6 COORDINATOR COONCE: Oh, great.

7 MS. MAZIARZ: Does the applicant
8 agree to an extension in time for the Board to
9 act at least until June 23rd?

10 MR. REGAN: Yes.

11 MS. MAZIARZ: Thank you.

12 MR. FOURNIADIS: Of what year?

13 MS. MAZIARZ: Good one.

14 COORDINATOR COONCE: And, lastly --

15 MS. MAZIARZ: 2020. And I'll be
16 asking the same question more than likely on
17 June 23rd. So why don't we -- instead of my
18 asking every meeting, why don't we extend time
19 until July 31st?

20 MR. FOURNIADIS: That's fine, Frank.

21 MR. REGAN: That's fine.

22 MS. MAZIARZ: Is that okay?

23 MR. FOURNIADIS: Yes.

24 MR. REGAN: Yes.

25 MS. MAZIARZ: And can we follow up

1 in writing tomorrow, Mr. Regan?

2 MR. REGAN: Sure.

3 MS. MAZIARZ: Thank you.

4 COORDINATOR COONCE: And note to the
5 public one last time that when we begin the
6 hearing on June 23rd, we will continue
7 questions from the public with regard to the
8 testimony from Mr. Sullivan.

9 CHAIRMAN HANDS: Yes. Thank you.

10 VICE CHAIRMAN JONES: And, I'm
11 sorry, Mr. Chair, we're not taking questions
12 in advance, right? They have to ask the
13 questions on the day of?

14 COORDINATOR COONCE: Correct.

15 VICE CHAIRMAN JONES: All right.

16 COORDINATOR COONCE: If any members
17 of the public wish to ask any procedural
18 questions regarding the format of the hearing,
19 they can e-mail them to me. I will have them
20 go through our Board attorney just to make
21 sure that we are answering correctly. But
22 other than that, yeah, every question must be
23 asked on record at the hearing.

24 VICE CHAIRMAN JONES: Thank you.

25 CHAIRMAN HANDS: If anybody wants to

1 submit anything for testimony, they need to do
2 that ahead of time and be present to provide
3 the background and offer the testimony as
4 evidence.

5 MS. MAZIARZ: Yeah. If anyone
6 from the public wishes to have anything
7 entered, any document, any plan, map, anything
8 like that entered as an exhibit, it can only
9 be entered if that member of the public
10 appears and testifies and is examined with
11 regard to what is being provided as an
12 exhibit.

13 VICE CHAIRMAN JONES: Okay.

14 COORDINATOR COONCE: But let's make
15 a further note and remind everybody that
16 statements and -- statements and testimony
17 from the public will be at the end of all
18 testimony provided by the applicant.

19 MS. MAZIARZ: Correct.

20 CHAIRMAN HANDS: Well, I
21 appreciate -- actually I think, in my
22 opinion, this process worked out okay. So
23 thanks, everybody, for taking the time to
24 present and discuss and hold it in a very
25 cordial fashion. So I think that made the

1 process a lot more successful and better
2 than it could have been. So thanks,
3 everybody.

4 With that said, is there a motion to
5 end the meeting?

6 MR. REGAN: Mr. Chairman, I just
7 want to make sure, Ed, Mr. Sullivan, you're
8 available on the 23rd, right?

9 THE WITNESS: I am, yes.

10 MR. REGAN: Thank you.

11 VICE CHAIRMAN JONES: So moved.

12 MAYOR RAE: Second.

13 CHAIRMAN HANDS: Thank you, Brendan.

14 All in favor?

15 (Whereupon, a voice vote was taken;
16 chorus of "ayes" heard.)

17 COORDINATOR COONCE: Meeting
18 adjourned.

19 (Whereupon, the hearing on this
20 application was adjourned at 11:04 p.m. to
21 June 23, 2020, at 7:30 p.m.)

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C E R T I F I C A T E

I, BRIDGET LOMBARDOZZI, Notary Public
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of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me remotely at the time and date
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I DO FURTHER CERTIFY that I am neither
a relative nor employee nor attorney nor
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